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Monday,
12th September, 1955

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

PARLIAMENT SECRETARIAT
NEW DELHI

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Acc. No. 2547
Dated 11.12.25

LOK SABHA

Monday, 12th September, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

Sahitya Akademi

*1654. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to lay a statement on the Table of the House showing:

(a) the names of the institutions which received grants-in-aid from the Sahitya Akademi and the amount given so far to each of these institutions during the year 1955;

(b) whether any further amount has been ear-marked for this purpose during the current financial year; and

(c) if so, how much ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das) : (a) No grant has been paid by the Sahitya Akademi to any institution during the year 1955.

(b) and (c). No amount has been provided by the Sahitya Akademi for grant to institutions during the current financial year.

I may add that the executive board of the Akademi has laid down the policy that the Akademi will neither affiliate nor give any grant to any institution as such. But, the Akademi has given one grant only. A grant of Rs. 15,000 has been given by the Akademi to the Malayalam poet Shri Vallathol Narayana Menon to enable him to publish the translation of Rigveda in Malayalam. Such assistance is sanctioned by the executive board of the Akademi on the recommendation of the advisory board of the language concerned.

Shri D. C. Sharma : May I know if the Akademi has formulated any programme of awards and prizes for distinguished men of letters in India ?

Dr. M. M. Das : All the activities of the Akademi have been published in annual report of the Akademi for the yeat 1954-55 and I think—I am not sure about it—a copy has been placed in the library for the information of the Members.

Shri D. C. Sharma : May I know if the Akademi has any programme for the current year so far as the publication of translations of Indian classics from one language in another language is concerned ?

Dr. M. M. Das : A detailed list of the programme of work has been given in his report and I would request the hon. Member to refer to this report.

Sardar Hukam Singh : May I know whether any steps have been taken by the Akademi to foster better acquaintance and mutual understanding between the writes of different languages in different regions ?

Dr. M. M. Das : Yes, Sir. This is one of the aims and objects ofthe Akademi and, already in our anthology of the Indian poetry for the year 1953 arrangements have been made to select ten poems from each of the 14 languages mentioned in our Constitution and translate them into Hindi.

Shri Kelappan : May I know if any applications were received for help from this fund and the reasons why they were refused ?

Dr. M. M. Das : We have received applicatins from the Nagari Pracharini Sabha, Banaras for a grant of Rs. 1 lakh for writing a comprehensive history of Hindi literature. We have received another application from Mrs. S. Ketkar for Rs. 10,000 for publishing the remaining two volumes of late Dr. S. V. Ketkar's *Pracheen Maharashtra.* We have received a third application from the Ramakrishna Mission Vidyalaya of Coimbatore for a grant for research publication of Thirukkural in Tamil. The Sahitya Akademi has referred all these applications to the Ministry of Education.

अखिल भारतीय आदी अपराधी बिल

*१६५५. **श्री कृष्णाचार्य जोशी :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि अखिल भारतीय आदी अपराधी बिल

के प्रारूप पर राज्य सरकारों ने क्या अपनी रायें व्यक्त कर दी हैं ?

गृह-कार्य उपमंत्री (श्री दातार): जी हां ।

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि यह बिल कब तक प्रस्तुत किया जायगा ?

श्री दातार : बहुत जल्दी ।

श्री कृष्णाचार्य जोशी : क्या मैं जान सकता हूं कि राज्य सरकारों ने क्या सिफारिशें की हैं ?

Shri Datar : I am not in a position to disclose what the State Governments have stated but we shall be bringing a Bill as early as possible.

Aid from USSR

***1656. Shri Ibrahim :** Will the Minister of Finance be pleased to state :

(a) whether a group of Government officials who visited the U.S.S.R. in June, 1955 to study the facilities available in that country for training Indian nationals under the U.N. Expanded Programme of Technical Assistance, has submitted its report; and

(b) if so, whether the report will be laid on the Table of the House ?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) Not yet, Sir.

(b) Does not arise at this stage.

Shri S.C. Samanta: May I know in which subjects these trainees will be trained ?

Shri B. R. Bhagat : The report is yet to be received. The personnel that we sent included men from the Central Water, Power and Navigation Commission, Department of Civil Aviation, Forest Department and an Inspector of Mines. All these subjects are, therefore, included.

Dr. Ram Subhag Singh : May I know by what time the report is likely to be submitted and what is the difficulty in the way of the hon. Parliamentary Secretary in placing that report on the Table of the House ?

Shri B. R. Bhagat : The report is expected to be received by the end of this month. The team has come back onlv recently, I think about three weeks ago. They are preparing the report which is going to be a comprehensive one covering all the aspects of technological and development fields. With regard to placing this report on the Table of the House, it will be considered after the report is received.

Shrimati Ila Palchoudhury : May I know how many Indian students are expected to be sent for this sort of training ? Is there any approximate idea ?

Shri B. R. Bhagat : There cannot be any approximate idea just now; it is all premature. After the report is received then the natural process will begin; applications will be invited and then the availability of seats in USSR will be discussed.

Shri T. B. Vittal Rao : The hon. Parliamentary Secretary has stated that in the delegation which went there was one Inspector of Mines. May I know who that person was because in the delegation which went there was no Inspector of Mines and there was only a professor from the Bureau of Mines ?

Shri B. R. Bhagat: I think the person was Shri G.S. Jabbi, Deputy Chief Inspector of Mines.

सशस्त्र बल उपकारी (बेनेवोलेंट) फंड

***१६५७. श्री भक्त दर्शन** : क्या रक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) सशस्त्र बल उपकारी फंड में उसके आरम्भ होने के समय कितनी राशि जमा की गई थी; और

(ख) ३१ मार्च, १९५५ को उस फंड में कितनी राशि शेष रह गई थी ?

रक्षा उपमंत्री (सरदार मजीठिया) : (क) देश का बंटवारा होने के बाद इस फंड में भारत को रु० ६५,८६,७३४–१०–१ मिला ।

(ख) रु० ५४,५७,७११–५–८

श्री भक्तदर्शन : क्या माननीय मंत्री उन कारणों पर प्रकाश डालने की कृपा करेंगे जिसकी वजह से इस फंड की स्थापना की गई थी और किस उद्देश्य के लिये उसका उपयोग किया जा रहा है ?

सरदार मजीठिया : यह फंड एक्स-सर्विसमेन और जो सर्विंग सोल्जर्स हैं, उनको एकोनामिक डिस्ट्रेस में सहायता पहुंचाने

के लिये है । इसके अलावा स्कालरशिप्स् हैं जो कि भारतीय सैनिकों के लड़के लड़कियों के वास्ते हैं और उन भूतपूर्व सैनिकों की जिनकी कि बांह वगैरह कट गई थी या लड़ाई में हानि हो गई थी, उनको सहायता दी जाती है ।

श्री भक्त दर्शन : मैं यह जानना चाहता हूं कि यह फंड कहां से एकत्र हुआ था, गवर्नमेंट ने अपने कोष से दिया, एक्स सर्विसमेन ने या सर्विंग सोल्जर्स ने दिया या गवर्नमेंट ने अपने पास से यह फंड शुरू किया था ?

सरदार मजीठिया : जो पिछले वाइसराय थे, उन्होंने ७५ लाख इस फंड को आरम्भ करने के लिये दिया था ?

श्री भक्त दर्शन : मैं यह जानना चाहता हूं कि इसके वितरण की क्या प्रणाली है ? क्या डिस्ट्रिक्ट सोल्जस बोर्ड से राय मांगी जाती है या केन्द्र में कोई कमेटी इसके लिये बनाई गई है जो इसका फैसला करती है ?

सरदार मजीठिया : केन्द्र में एक कमेटी है जिस के कि चेयरमैन डिफ़ैंस मिनिस्टर हैं और उसमें मैं भी एक मेम्बर हूं । बोर्ड में ये लोग हैं :—

Defence Secretary, Chief of Army Staff, Chief of Navy Staff, Chief of Air Staff, Adjutant General, Secretary, Indian Soldiers, Sailors and Airmens' Board.

इकट्ठे बैठ कर हम यह फैसला करते हैं कि आर्मी हेडक्वार्टर पर कितना देना है, ऐयर हेडक्वार्टर्स पर कितना देना है और नेवल हैडक्वार्टर्स पर कितना देना है और जब हम दे देते हैं तो उसके बाद फिर वह अपनी यूनिट्स को कंटैक्ट करते हैं, और उनसे पूछते हैं कि उन्हें क्या चाहिये और उनकी जैसे मांग आती है, उस पर विचार करके जितना जितना वह मदद कर सकते हैं, वह करते हैं ।

Shrimati Ila Palchoudhury : Is there any provision for I.N.A. personnel in this Fund ?

Sardar Majithia : Those I.N.A. personnel who served the Indian Army are included.

Punjab University

*1661. **Shri Gidwani:** Will the Minister of **Education** be pleased to refer to the reply given to Starred Question No. 1426 on the 28th September 1954 and state the amount sanctioned to the Punjab University for its rehabilitation ?

The Parliamentary Secretary to the Minister Education (Dr. M.M. Das) No decision has been taken in the matter. A certain detailed information asked for from the University is still awaited.

Shri Gidwani : Is it a fact that the Vice-Chancellor of the Punjab University has been the Education Minister in this connection ?

Dr. M. M. Das: I have got no information whether the Vice-Chancellor has been the Minister of Education.

Shri Gidwani : May I know how much money has been spent so far and for what purpose ?

Dr. M. M. Das : Rs. 72 lakhs have been asked for as grants for the rehabilitation of the Punjab University.

Shri Gidwani : Has the Government come to any decision in the matter of sanctioning further amounts ?

Dr. M. M. Das : I have already said that no decision has been taken in this matter as certain detailed information asked for from the Punjab University is still awaited.

Films

*1663. **Chaudhuri Muhammed Shaffee** : Will the Minister of **Finance** be pleased to state :

(a) the amount earned by Russians and Americans through the distribution of their films in India during 1955 so far; and

(b) the amount earned by India through the distribution of its films in Russia and America during the above period ?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat) : (a) and (b). Information about the amount earned by Russians and Americans is not available but remittances to America in respect of American films during January-June, 1955 aggregated to Rs. 16,98,000.

There were no remittances to Russia during this period. India received no remittance of funds in respect of Indian films either from Russia or America during this period.

Shri Joachim Alva: Judging from the amount remitted to America for the American films shown in India, has the Ministry of Finance at any time, either this year or during the last five years, prod ied the other Ministries as to find out why o Indian films are shown in America or not earning a ything a: all ?

Shri B. R. Bhagat : Obviously, the Indian films are not becoming very popular in America.

Shri R. N. Singh : May I know why they are not popular in America?

Several hon. Members *rose—*

Mr. Speaker : So many hon. Members are rising. The point is, whether the Government of India have made any investigation as to why Indian films are not popular in America.

Shri B. R. Bhagat : This, I think, refers to the Ministry of Information and Broadcasting.

Sardar Iqbal Singh : May I know whether the Government is aware of the fact that the U.S.A. have got some agreement with some other Government like Burma, by which some part of the earnings through the films will be invested in the country in which it is exhibited, and if so, will the Government conside the desirability of India also coming into some sort of agreement of this type with the U.S.A.?

Shri B. R. Bhagat : I am not aware of any agreement between U.S.A. and Burma. So far as the import of films as into India is concerned, t is on private account. There are private importers and private exporters.

Calcutta National Bank Ltd.

*1666. **Shri Kamath :** Will the Minister of **Finance** be pleased to state:

(a) the stage which the liquidation proceedings of the Calcutta National Bank Limited has reached;

(b) whether the Calcutta High Court has ordered payment of dividends to the creditors of the Bank; and

(c) if so, whether a copy of the High Court's Order will be laid on the Table of the House ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) : (a) The Calcutta National Bank Ltd. was finally ordered tobe wound up on 30-4-1953. One official liquidator was appointed for this purpose. On 12-3-54, the Court Liquidator attached to the High Court, Calcutta, took charge of the bank. Steps have been taken for the sale of several of the assets and properties. Directors of the Court have been obtained in respect of the sale of most of the remaining properties. Steps are being taken for execution of decrees in respect of claims decreed. A number of other suits against the debtors of the bank are pending before the Calcutta High Court. Arrangements are also being made for filing the lists of debtors in respect of the claims of the bank against the remaining debtors under Sec. 45D of the Banking Companies Act.

(b) Yes, Sir. By an order dated 24-9-1954, payment of a 100% dividen i to the preferential creditors of the bank and to the Savings Bank depositors of the bank upto Rs. 100/- has been ordered by the Calcutta High Court. Also under another order of the Calcutta High Court dated 16-3-1955, a dividen i at the rate of 10% has been declared to the ordinary creditors--including depositors of the bank. Payments pursuant to both these orders are under progress.

(c) Copies of the orders of the High Court dated 24-9-54 and 16-3-55 are laid on the Table of the House. [*See* Appendix IX, annexure No. 11]

Shri Kamath : Has the Government taken note of the High Court's order dated 18th April, 1955, a copy of which is placed on the Table of the House, that in spite of the High Court's order dated 24th September, 1954, no dividends to any ordinary creditor of the bank had been paid until the date of that order. Nearly for five months, no dividen s had been paid. Have the Government taken note of this and what action have the Government taken in this matter?

Shri A. C. Guha : A ten per cent dividen i to the ordinary creditors was declared only on 16-3-1955. So, I do not know how the liquidator could issue any devidend before that date.

Shri Kamath : Is it a fact that the former managing director of the bank is being criminally prosecuted, and if, so, may I know at what stage those proceedings are ?

Shri A. C. Guha : There is already a criminal case, and I think the court liquidator is also contemplating another case against the Chairman. There was no managing director. There was only a Chairman of the bank.

Shri N. B. Chowdhury : May I know whether any estimate about the assets of the bank has been prepared, and if so, what is the amount ?

Shri A. C. Guha : There is an estimate of the assets—the book-value of the assets—and also the liability of the bank.

Shri N. B. Chowdhury : What is that amount ?

Shri A. C. Guha : The total liabilities of the bank were nearabout Rs. 3,20,00,000. The total assets of the bank were on different items: buildings and real property in different towns, Rs. 24 lakhs; G.P. Notes, etc., Rs. 10 lakhs; cash and bank balances, Rs. 22 lakhs; amount lying with the Reserve Bank, Rs. 10 lakhs. I think there are some other assets also by way of loans which are of very doubtful character. So, I do not know whether we should take those things as real assets.

Shri Joachim Alva : May I know if it is not a fact that much before liquidation proceedings are filed, the Reserve Bank steps in with a warning that the depositors shall no more deposit money and that the Reserve Bank has got a regular gradation of warnings so that the banks may get time enough to put their houses in order ?

Shri A. C. Guha : I think the hon. Member is referring to some recent convention and practice followed by the Reserve Bank, but most of the banks and particularly this Bank closed, about five year ago. But still the Reserve Bank was conducting the inspections regularly and must have been giving the necessary directives. The Reserve Bank is itself a creditor to this Bank by a very large amount.

Bharat Electronics Factory

*1667. **Dr. Ram Subhag Singh** : Will the Minister of **Defence** be pleased to state :

(a) whether the construction work of the Bharat Electronics Factory is proceeding according to schedule ;

(b) when the construction will be completed; and

(c) when the factory is likely to go into production ?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes.

(b) Five Workshop buildings, which constitute the major portion of the Project, are likely to be completed by the end of April 1956. Other ancillary buildings will be constructed later.

(c) The factory is likely to commence production in 1956.

Dr. Ram Subhag Singh : May I know whether all the machinery needed for the construction of this factory has been obtained and has arrived in India ?

Sardar Majithia : I believe it is already in the country.

Dr. Ram Subhag Singh : May I know whether this factory will be completed within the originally estimated time ?

Sardar Majithia : That is what is expected.

Shri Bansal : May I know how much capital to this project has been subscribed by the Mysore Government ?

Sardar Majithia : It is all done by the Central Government. The capital is Rs. 7 crores and there is also another sum of Rs. 2·5 crores as running capital.

Shri Bansal : May I know if the attention of the hon. Minister has been invited to the statement made by the Chief Minister of Mysore that the Government of Mysore would rather like that all these factories of the Government of India should be removed from Mysore ?

Sardar Majithia : I have not come across that statement; but the fact is that factory will be functioning there; apart from that the Hindustan Aircraft factory is already functioning there along with the others. This goes to show that this factory is going to be there also.

Apprentices in Ordnance Factories

*1669. **Shri Hem Raj** : Will the Minister of Defence be pleased to state:

(a) the number of apprentices trained in 1951, 1952, 1953, 1954 and under training in 1955, in the various Ordnance Factories (factory-wise and year-wise);

(b) the subjects in which they were trained;

(c) how many of them left without completing their training; and

(d) the loss incurred by Government thereby ?

The Deputy Minister of Defence (Shri Majithia) : (a) 1951-Nil; 1952—5 1953—50; 1954—84; 1955—241 (under training).

It is not in the public interest to give the figures factory-wise.

(b) (*i*) Manufacture of—

(*a*) Nitric acid;

(*b*) Sulphuric acid;

(*c*) Gun Cotton ; and

(*d*) Cannon Cartridges.

(*ii*) Plumbing for chemical plant;

(*iii*) Tanning and Currying of leather;

(*iv*) Harness and Saddlery;

(*v*) Tailoring and Cutting;

(vi) Filling of ammunition;

(vii) General Mechanical Engineering/ Mechanical Engineering trades; and

(viii) Steel production, rolling and forging/Non-ferrous metal production, rolling and extrusion and wire drawing/Foundry practice.

(c) From 1951 to 1954, ten apprentices left their courses of training without completing them.

(d) The Government incurred a total loss of Rs. 6,729/- approximately.

Shri Hem Raj : May I know whether any regard is paid to the appointment in the different factories of those apprentices who have a specialised in their respective trades?

Sardar Majithia : I have not quite understood the question; yet, if the hon. Member wants to know whether those particular apprentices are put in their respective trades, the answer is, they definitely are.

Shri Hem Raj : May I know whether any opportunities for getting higher training are given to these apprentices after they have completed their courses?

Sardar Majithia : Yes, if they are found to have exceptional merits, they certainly are encouraged.

Shri Ajit Singh : May I know whether there is any reservation for Scheduled Castes in these ordnance factories?

Sardar Majithia : I do not think there is any reservation for Scheduled Castes; merit is the only criterion.

Shri Hem Raj : May I know whethe the reason why some apprentices have left is poor teaching, inefficient staff, poor equipment and want of standardised curriculum?

Sardar Majithia : No, not because of those things. They left because they mostly found that the instructions were not to their liking.

श्रीमती शिवराजवती नेहरू : क्या मैं पूछ सकती हूं कि क्या स्त्रियों को भी इस में ट्रेनिंग दी जाती है ? अगर नहीं, तो क्यों नहीं दी जाती है ;

Sardar Majithia : Firstly, I think I would require notice for that. I do not think there are any lady trainees in these factories, because the job is such that it requires reallyhard work.

स्पेशल पुलिस एस्टेब्लिशमेंट

*१६७१. **श्री के० सी० सोधिया** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) दिल्ली स्पेशल पुलिस एस्टेब्लिशमेंट द्वारा न्यायालय में पेश किये गये और वहां चालू मामलों में सब से पुराना मामला किस वर्ष से सम्बन्ध रखता है ;

(ख) क्या ऐसे विचाराधीन मामलों की संख्या प्रतिवर्ष बढ़ती जाती है ;

(ग) यदि हां, तो क्या सरकार उन के निबटाये जाने के लिय कोई विशेष कार्यवाही करने का विचार रखती है, जहां तक उन का सम्बन्ध है ; और

(घ) यदि हां, तो वे उपाय क्या हैं ?

गृह-कार्य उपमंत्री (श्री दातार) : (क) १९४९ ।

(ख) पिछले ६ सालों के अन्दर, हर एक साल के आखीर में, बिना निर्णय हुए मामलों की संख्या नीचे दी गई है

१९४९	२४५
१९५०	२३३
१९५१	२२६
१९५२	२७५
१९५३	२७८
१९५४	२५६

(ग) तथा (घ) नये स्थापित किए एडमिनिस्ट्रेटिव विजिलेंस डिवीज़न का एक यह भी काम होगा कि वह शासन प्रबन्ध द्वारा जहां तक हो सके मामलों को जल्दी निबटाये । अपराधियों के द्वारा, कानूनी कार्रवाई के अनुचित उपयोग से हुई देरी पर सरकार कोई वश नहीं रखती ।

श्री के० सी० सोधिया : ये मामले ज्यादातर किन अदालतों में दायर हुए हैं ?

Shri Datar : The first case of 1949 was in a Court in Assam State.

श्री के० सी० सोधिया : क्या यह सच है कि इस लम्बी देरी के कारण अभियुक्तों को गवाहों को तोड़ लेने में बड़ी सुविधा होती है ?

Shri Datar: I am not able to follow the question.

Mr. Speaker : The question is whether it becomes convenient to the accused and the parties concerned to approach the witnesses because of the delay.

Shri Datar: That is true; I agree that every delay in these cases gives further opportunities for the accused to tamper with the witnesses. But some of these delays are due to the accused themselves; they take the matter at various st ges to various cou ts like the High Court and the Supreme Court.

Shri Kamath: Has the newly created Director of the Administ.ative Vigilance Division, referred to in the statement laid on the Table of the House on the 18th August, started supervising the work of the Special Police Estaiblishment, so that the investigations and prosecutions can be conducted with speed and vigour?

Shri Datar: Yes, he has started the work already and he has been giving his attention to the S.P.E.

Lands in Aurangabad Cantonmen

*1673. **Shri H. G. Vaishnav:** Will the Minister of **Defence** be pleased to state:

(a) whether land-owners holding lands in the Cantonment at Aurangabad in Hyderabad State have made any representation regarding interference by the Military Authorities;

(b) whether the issue of their proprietary rights over the lands is raised in this dispute;

(c) if so, whether the matter has been decided; and

(d) if the answer to part (c) above be in the affirmative, in what manner?

The Deputy Minister of Defence (Sardar Majithia): (a) Yes; certain licencees, not land-owners, have made such representations.

(b) Yes.

(c) Yes.

(d) Preliminary enquiries reveal that these persons are merely licencees of Government lands. They have been informed through the Secretary of the Land Owners Association that the sites in question has been held on annual temporary licences by the individuals co cerned upto march 1953 and as such they had no claim to the lands in question and that the licencees may be advised o re ularise the occupation beyond March, 1953 by ta' ing a lease from the Cantonment Board, Auran abad.

Shri H. G. Vaishnav: Are the Government aware that there are decision in favour of these persons about the ownership of these lands and now they have represented that they are not licencees, but owners of the lands, in view of the judgement of the court?

Sardar Majithia: I require notic for that; but they have been taking oure leases annually up to 1953. It was o ly in 1953 that certain people did not apply for the leases; and as a result of our repeated reminders, six people have applied for the regularisation of the lease, and that h s been given to them. The remaining 16 have not, as yet, even cared to reply to the letters.

Shri H. G. Vaishnav: Is it not a fact that since 1953 only this d ficulty has been there and before that they were taken to be the owners of the la d and were regularly obtaining receipts after payment as land-owners?

Mr. Speaker: I am objecting to the hon. Member going into the details of the case. The hon. Member referred to the judgement of some court. If there are judgements, they will have to be given effect to by the Government.

Shri H. G. Vaishnav: The question is, whether the Government have paid any attention to the allegations or the contentions in the representati n in which the judgements have been quoted?

Mr. Speaker: I think the hon. Member is going into the merit of the case.

Shri U. M. Trivedi: May I know whether this situation is entirely due to the fact that, these Cantonments in Hyderabad were in the hands of the Government of India by virtue of the foreign jurisdic ion and therefore the la d owners were not called land-owners? Has not the situation changed because of the present Constitution?

Sardar Majithia : I have not really quite grasped the question. But after the Hyderabad State was taken over, these lands which were occupied by the military of Hyderabad were taken over by us and as such, they belong to the Government of India..

Smuggling

*1675. **Sardar Iqbal Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether it is a fact that there has been smuggling of horses from Pakistan during 1955; and

(b) if so, their number from East and West Pakistan separately?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) and (b). Yes, Sir; there has been some smuggling of horses from West Pakistan. The actual number of cases detected by the Customs authorities during 1955 (up to 30-6-1955) is 9 involving in all 9 horses.

Sardar Iqbal Singh: May I know whether the Government give some permission for the import of horses from Pakistan?

Shri A. C. Guha: Horses are allowed to be imported generally on the recommendation of the Turf Clubs It may also be from Pakistan. The is no particular ban on import from Pakistan.

Sardar Iqbal Singh: May I know whether Government is aware of the fact hat many of the horses which are running in the Race Club are smuggled horses, smuggled from Pakistan without an import permit?

Shri A. C. Guha: Generally we take it that a race horse would be of the price about Rs. 2 000. But, the average price If these horses which have been smuggled, I think, would not be more than Rs. 300 or 400. I am not quite sure that these are for racing purposes. Anyhow, there has been some smuggling.

Shri Bogawat: Is there any import duty on horses and if so, is that recovered on smuggled horses?

Shri A. C. Guha: Unless the price is at least Rs. 2,000 or more, there is n import duty on horses. I do not think these horses would be liable to any tax because their average price was near about Rs. 300 per horse.

Mr. Speaker: Thakur Jugal Kishore Sinha: absent. Shri M. Islamuddin: absent. Next question.

Shri Krishnacharya Joshi: I have also . . . . .

Mr. Speaker: That will come in the end.

Shri Krishnacharya Joshi: I have also tabled a question. I have received a communication from the office saying that my name will be bracketed. My name is not found here.

Mr. Speaker: I do not find it in my list.

Shri Krishnacharya Joshi: I have received a letter. It is not here in the printed list.

Mr. Speaker: He may put the question?

Hoisting of Pakistani Flags

*1677. **Shri Krishnacharya Joshi:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that Pakistan's National Flags were found flying in Warangal and Nizamabad Districts (Hyderabad) on the Independence day and on the 17th August, 1955;

(b) whether it is a fact that the same thing happened at several places in the State alast year; and

(c) if so, the steps taken by Government in the matter?

The Deputy Minister of Home Affairs (Shri Datar): (a) Green flags resembling the Pakistan flag were found at two public places in Armoor in Nizamabad District and at the Nekonda Railway Station in Warangal District on the dates mentioned.

(b) Yes.

(c) The three cases which occurred during this year are under investigation. There were nine similar cases in 1954 of which two have ended in conviction, two are pending trial, one has been withdrawn and four are under police investigation.

Shri Krishnacharya Joshi: May I know whether there is an organised party which is responsible for this mischief?

Shri Datar: That question also is under investigation.

Shri Krishnacharya Joshi: May I know whether the persons who are responsible for hoisting the flag are Pakistani nationals or Indian nationals?

Shri Datar: I am not in a position to say categorically at this stage.

Shri Krishnacharya Joshi: May I know how many persons were convicted in the last year's hoisting of flag?

Shri Datar: I have not got that number. There were convictions in two cases.

Dr. Suresh Chandra: May I know whether the persons convicted last year were Pakistani nationals or Indian nationals.

Shri Datar : I should like to have notice.

श्री रघुनाथ सिंह : हम यह जानना चाहते हैं कि क्या हैदराबाद के अलावा और भी किसी जगह पाकिस्तानी फ्लैग होस्ट किया गया था ।

Camp College, Delhi

*1678. **Shri Ram Dass:** Will the Minister of **Education** be pleased to state :

(a) whether Government have appointed a committee to report on the future of Punjab University Camp College in New Delhi; and

(b) if so, the main recommendations of this committee?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes. Sir.

(b) The Committee has not so far submitted its report.

श्री राम दास : क्या यह सत्य है कि जितनी देरी फैसले के करने में हो रही है उतना ही विद्यार्थियों और अध्यापकों में असंतोष बढ़ रहा है ?

Dr. M. M. Das: Government have taken action. There may be some discontent about delay. After all, the matter has to be given careful consideration, before some decision is arrived at.

Shri S. C. Samanta : Is it not a fact that this University College helps the employees in the Central Government very much? If so, why did the question of the abolition of this University College come in?

Dr. M. M. Das: There is no question like abolition of—not University; the hon. Member is referring to the Camp College—this college. The whole question will be gone into by a special committee of four members.

Shri T. S. A. Chettiar: Who are the Members.

Dr. M. M. Das: Dr. K. S. Krishnan, Director, National Physical Laboratory, *Ex*-Chief Justice Mahajan, Dr. V. K. R. V. Rao of the Delhi School of Economics, Delhi University and Shri K. L. Joshi, formerly of the Education Ministry, now in the Planning Commission.

Shri S. C. Samanta: May I know why the question came up and why a Committee has been set up ?

Dr. m. m. Das. The reason was that this Camp College is in the territorial jurisdiction of the Delhi University, but it is under the administrative control of, I mean, affiliated to the Punjab University. It was by a temporary permission given by the Government of India due to the refugee problem that this Camp college came into existence. It cannot be allowed to go on for an unlimited length of time now?

श्री राम दास : क्या यह ठीक है कि यह अपने किस्म का एक ही कालिज है जहां कि वे लोग जो रोटी कमाते हैं वह आला तालीम हासिल कर के अपने प्रास्पैक्ट्स बेहतर कर सकते हैं, और क्या मुल्क में और भी ऐसे कालिज नहीं होने चाहियें ?

Dr. M. M. Das: All these questions will be taken into consideration by the Committee before they arrive at a decision.

Sardar Hukam Singh: My. hon. friend's question has not been answered : whether there is any other institution in Delhi which provides this system of imparting education while the students are earning also.

Dr. M. M. Das: Without committing myself, I may say that I have no knowledge of any other such institution in Delhi.

Mineral Oil

*1679. **Shrimati Ila Palchoudhry** : Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the Central Government have advanced any money to the Standard Vacuum Oil Company for exploration of oil in West Bengal; and

(b) if so, the amount advanced?

The Deputy Minister of Education (Dr. K. L. Shrimali): (a) and (b). No, Sir. The Central Government has not advanced any money to Standard Vacuum Oil Company. It has, however, incurred an expenditure of Rs. 34,43,780 to-date on oil exploration in association with Standard Vacuum Oil Company in West Bengal.

Shrimati Ila Palchoudhury: May I know in what parts of West Bengal the Stanvac are exploring these oil venues?

Dr. K. L. Shrimali: I am afraid I cannot give the exact place. Somewhere in West Bengal.

Shrimati Ila Palchoudhury: May I know if any experts from West Bengal have been associated in this effort?

Dr. K. L. Shrimali: The Standard Vacuum Oil Co. has been asked to associate as many Indians as possible.

Shrimati Ila Palchoudhury: That was not my question; from West Bengal.

Dr. K. L. Shrimali: Not necessarily from West Bengal. Experts could be taken from all over India.

Shri Kelappan: May I know the amount spent by the Oil company itself on this exploration?

Dr. K. L. Shrimali: The arrangement is that the Government of India contribute 25per cent. of the funds required for expenditure on the joint operations and the Standard Vacuum Oil Company will contribute 75 per cent.

Hindi Examinations Committee

*1680. **Shri B. N. Mishra:** Will the Minister of **Education** be pleased to state:

(a) whether the Hindi Examinations Committee has presented its report to Government; and

(b) if so, whether Government will lay on the Table of the House a statement giving main points of the report?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Not yet.

(b) Question does not arise.

Shri B. N. Mishra: It has become a long practice. Last year also there was a question. It was said that this committee was being formed. May I know when this committee will be formed?

Dr. M. M. Das: There is no time limit prescribed for the committee to submit its report. It was appointed in January, 1954.

Shri B. N. Mishra: If a committee has been appointed, may I know the names of the persons on the committee and may I know whether the Government are pursuing the matter to expedite it since this problem relates to Hindi?

Dr. M. M. Das: Yes, Sir. Government is doing everything in their power to expedite the matter. The names of the members are as follows:

Shri M. Satyanarayana, M.P.
,, Vijayendra Snatak.
,, R. K. Chakravarti.
,, G. P. Nene.
,, A. L. Nanavati.
,, R. D. Sinha 'Dinkar', M.P.
,, N. Nagappa.
Dr. A. Sharma.
Shri Jethalal Joshi, M.P.
,, Magan Bhai P. Desai.
,, N. A. Nadvi.

Shri T. S. A. Chettiar: What is the subject of reference?

Mr. Speaker: What is the question? If the hon. Member wants to put a question, he has to rise and put the question.

Dr. M. M. Das: The terms of refereene are: to examine the standards of Hindi Examinations conducted by various Hindi organisations in the country and to consider the question of their reocognition, etc.,

U.P.S.C.

*1682. **Shri Sinhasan Singh:** Will the Minister of **Home Affairs** be pleased to state the number of persons appointed to class I and II services directly by the different Ministries without reference to the Union Public Service Commission in the years 1953 to 1955, and how many cases out of them were subsequently referred to the Commission for approval?

The Deputy Minister of Home Affairs (Shri Datar): The information is being collected and will be laid on the Table of the House as soon as possible.

Shri Sinhasan Singh: May I know whether Government has not got the record so far regarding the number of such persons appointed in the Home Department?

Shri Datar: There are a number of Ministries and departments and other offices and reference has to be made to all of them and then the replies collected.

Shri Sinhasan Singh: May I know whether the Home Minister himself has not a number of persons who are appointed in his own department?

Shri Datar: This question was raised before and Government has taken special steps to see that all such cases are brought to the notice of the U.P.S.C. and no appointments in contravention of the rules are made.

Shri Sinhasan Singh: What are the main reasons for such appointments when there is the Public Service Commission for recruiting such officers?

Shri Datar: All temporary appointments for a year or a shorter period are expected from the purview of the U.P.S.C.

Shri Sinhasan Singh: May I know whether these officers are made subsequently permanent and confirmed?

Shri Datar: Subsequently if they are appointed to a permanent post, then their confirmation is taken into account and is considered.

Mr. Speaker: I want to state here that the Government are undoubtedly

collecting information, and they may take some time. That is also true, but then does the information which can be had at the head office of the Government take such a long time to collect? Perhaps it creates a suspicion that everything is not proper.

Shri Datar: There is no such thing as a head office here. The Ministry deals with the question of the services and whenever such questions are asked, immediately information is called for and when it is collected it is placed on the Table of the House. There is no need to suspect the *bona fides*.

Mr. Speaker: I quite agree. But the Central Secretariat is situated here. It is a question of sending a peon or a chaprasi around. When a question is tabled in Parliament, it has to be treated with due expedition.

Shri Datar: You will find, Sir, that the question is also a very general nature. Some of the offices are not here. Anyway, I have promised to supply the information as early as possible.

Central Board of Education

*1684. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state:

(a) how many meetings of the Central Advisory Board of Education were held in 1954-55; and

(b) how far their recommendations, if any, have been implemented?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) One, in January, 1955.

(b) The recommendations were communicated to State Governments for necessary action. The reports about the action taken by them are still awaited, and, on receipt, will be consolidated and placed before the Board at their next meeting in the form of a Memorandum.

So far as recommendations of the Board on which action is required by the Centre are concerned, the following committees recommended by Central Advisory Board of Education, have been appointed and have already started work. They met on the dates noted against each:

Committee on Gandhian Philosophy . . .	23-8-1955
Standing Committee on Basic Education . .	7th & 8th June, 1955.

Action has been taken on some of the other recommendations while some are under consideration.

Shri D. C. Sharma: May I know if there is any need for this Central Advisory Board of Education when boards of education have been set up for education at all the different levels? What are the reasons for continuing this Central Board of Education?

Dr. M. M. Das: I may remind my hon. friend that this Board of Education came into being for the first time after the 1919 India Act, when Education became a State subject, and the necessities that were present in those days are also present now. Education still remains a State subject and there is a necessity for a body like the Central Advisory Board of Education, so that through this Body the States may communicate with each other and come to know what the other States are doing.

Shri D. C. Sharma: May I know, Sir, if in view of the fact that this Board keeps itself in touch with the various States, it is necessary that only one meeting should held in a year, and that the time taken for the collection of material should be so unlimited that very few actions are taken?

Dr. M. M. Das: I think that is a question of policy. Still, this Board deals with all aspects of education so far as this country is concerned, and such meetings cannot be held every month.

Shri D. C. Sharma: May I know what policy matters were decided upon by this Board during the years 1953 and 1954?

The Deputy Minister of Education (Dr. K. L. Shrimali): On the recommendation of the Central Advisory Board of Education, the Government of India appointed a very important Commission, namely the Secondary Education Commission, and the recommendations of that Commission are already being implemented both by the Central and State Governments, so that the Central Board of Education reviews the policies from time to time and advises the Central as well as the State Governments.

Shri K. C. Sodhia *rose.*—

Physical Education and Recreation

*1685. **Shri Ibrahim:** Will the Minister of **Education** be pleased to state:

(a) whether any grant was given to any institution for physical education and recreational activities during 1954-55;

(b) if so, the names of the institutions and the amounts given in each case; and

(c) whether the State of Bihar also received any grant for this purpose?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Yes. Sir.

(b) A statement is laid on the Table of the House. [*See* Appendix IX, annexure No. 12]

(c) No, Sir.

Shri Ibrahim: May I know the distribution of grants State-wise?

Dr. M. M. Das: The grants are not distributed State-wise, but there are special conditions attached to these grants, and these grants are given only to those organisations which satisfy these conditions.

Shri Jaipal Singh: Is it a fact that the Rajkumari Coaching Scheme has also been given a grant of about Rs. 5 lakhs? What are the conditions for that grant?

Dr. M. M. Das: I want to have notice of this question.

Recruitment to Indian Army

***1668. Shri Matthen:** Will the Minister of **Defence** be pleased to state:

(a) whether recruitment to the Indian Army is on a regional basis or on a broad-based one; and

(b) the proportion of recruitment laid down for each region according to the old classification?

The Deputy Minister of Defence (Sardar Majithia): (a) Broad-based recruitment is the policy of this Government.

(b) No fixed proportion was laid down for any region.

Shri Matthen: May I know if it would be more practicable and add to efficiency if non-regular services are on a regional basis as it was in the past?

Sardar Majithia: Our experience at the moment is to the opposite effect.

Shri Joachim Alva: Is any special effort made to recruit Harijans and Scheduled Caste boys, matriculates, undergraduates and graduates in the army as well as in the clerical sections of the army?

Sardar Majithia: They are all most welcome-provided they fulfil the required qualifications.

श्री भक्त दर्शन : क्या गवनमेंट के सामन यह बात आई है कि जिन विशेष इलाक़ों से पहले भी अंग्रेज़ों के ज़माने में लोग भरती होते थे, आज भी वहां पर बड़ी संख्या में बहादुर और देशप्रेमी सैनिक मिल रहे हैं, तो क्या उन इलाक़ों म सैनिक भरती करने के कोई प्रयत्न किये जा रहे हैं ?

सरदार मजीठिया : जितने सैनिक हमें चाहियें वह हमें मिल रहे हैं, उन से ज्यादा अभी ज़रूरत नहीं है ।

Shri Hem Raj: May I know whether in actual practice it still happens that the recruiting staff makes distinction on the basis of caste and sect and on the basis of martial and non-martial races?

Sardar Majithia: That distinction is not recognised by the Central Government, although I would say that it is quite possible that some of the officers may be making that distinction, but the Central Government does not make that distinction.

Cyclone in Malabar

***1659. Shri Punnoose (On behalf of Shri A. K. Gopalan):** Will the Minister of **Home Affairs** be pleased to state the extent of relief rendered by the Government of India in connection with the havoc caused by the Cyclone in Malabar District in May, 1955?

The Deputy Minister of Home Affairs (Shri Datar): A sum of Rs. 10,000 was placed at the disposal of the Governor of Madras from the Prime Minister's National Relief Fund. No other relief was rendered by the Government of India nor was any request for such relief received from the State Government.

Shri Punnoose: May I know the kind and the amount of damage caused by the cyclone?

Shri Datar: I have not got that information.

Shri Punnoose: May I know whether Government have received representations from a number of people belonging to the Laccadives Islands, who were stranded on the mainland due to the cyclone, asking for transport facilities back to the Islands?

Shri Datar: The Government of India to my knowledge, have not received any such representation.

Shri Punnoose: Is it not a fact that the Prime Minister received representations from Members of this House and it was promised that they would be considered?

Shri Datar: That is the reason why I added the proviso to my knowledge.

WRITTEN ANSWERS TO QUESTIONS

Accommodation for Military Personnel

*1658. **Shri Keshavaiengar:** Will the Minister of **Defence** be pleased to state :

(a) whether family accommodation is equal to the strength of the officers and other ranks at the various military stations and headquarters;

(b) whether there is any programme to construct such accommodation for them; and

(c) the number of buildings constructed in the years 1953-54 and 1954-55?

The Deputy Minister of Defence (Sardar Majithia): (a) No.

(b) Yes.

(c) 1953-54—344.
1954-55—795.

साहित्यिक और सांस्कृतिक संस्थायें

*१६६०. **सेठ गोविन्द दास** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि दिल्ली में ऐसी कितनी साहित्यिक और सांस्कृतिक संस्थायें हैं जिन्हें १९५४–५५ में केन्द्रीय सरकार द्वारा सहायता दी गई है ?

शिक्षा मंत्री के सभा-सचिव (डा० एम० एम० दास) : १४ (चौदह)।

Birendranagore M.E. School, Tripura

*1662. **Shri Biren Dutt:** Will the Minister of **Education** be pleased to state :

(a) whether Government have received any representation from Birendranagore M.E. School, Tripura to sanction the construction of tribal boarding house ;

(b) whether the project officer has also made a recommendation in this behalf ; and

(c) the steps taken by Government so far ?

The Parliamentary Secretary to the Minister of Education (Dr. M. Mi Das): (a) to (c). The requisite information has been called for from the Tripura State Government and will be placed on the Table of the House when received.

Industrial Credit and Investment Corporation

*1664. **Shri L. N. Mishra:** Will the Minister of **Finance** be pleased to refer to the reply given to Starred Question No. 139 on the 24th February, 1955 and state :

(a) whether the Industrial credit and Investment Corporation has started functioning ; and

(b) if not, the present position ?

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): (a) Yes, Sir.

(b) Does not arise.

Bridle Paths—Manipur

*1665. **Shri Rishang Keishing:** Will the Minister of **Home Affairs** be pleased to state ;

(a) whether it is a fact that Rs. 200 per mile are paid in the hill districts of Assam for maintenance of the existing bridle paths ;

(b) whether it is also a fact that Rs. 50 only per mile are paid in Manipur; and

(c) whether Government propose to upgrade the rate in Manipur ?

The Deputy Minister of Home Affairs (Shri Datar): (a) to (c). The Chief Commissioner, Manipur has been asked to supply the information, and, as soon as it is received, it will be placed on the Table of the House.

Recruitment to Officers in South Andamans

*1670. **Shri Bhagwat Jha Azad:** Will the Minister of **Home Affairs** be pleased to state whether any preference is proposed to be given for Government employment to local candidates in South Andamans ?

The Deputy Minister of Home Affairs (Shri Datar): Preference is given to local candidates if they possess the requisite qualifications and suitability.

डकैतियां

*१६७२. श्री एम० एल द्विवेदी :
श्री बल्लाधरास :
श्री बी० एस० मूर्ति :

क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) विन्ध्य प्रदेश, मध्य प्रदेश और उत्तर प्रदेश की सीमाओं पर होने वाली डकैतियों को रोकने के लिये क्या संयुक्त पुलिस कार्यवाही करने का विचार है;

(ख) डाकुओं के गिरोहों को पकड़ना क्यों संभव नहीं हो सका है;

(ग) इन बढ़ती हुई डकैतियों को रोकने के लिये क्या केन्द्रीय सरकार ने विभिन्न राज्य सरकारों के अधिकारियों से परामर्श किया है; और

(घ) यदि हां, तो इन डकैतियों को रोकने के लिये केन्द्रीय सरकार ने क्या प्रबन्ध किया है ?

गृह-कार्य उपमंत्री (श्री दातार) (क) हां ।

(ख) जमीन का ऊंचा नीचा होना और यातायात के साधनों की कमी ।

(ग) हां ।

(घ) भिन्न भिन्न राज्यों में डकैतियों के खिलाफ कार्यवाही में एकता लाना और केन्द्रीय रिजर्व पुलिस को स्थानीय अधिकारियों की सहायता के लिये नियुक्त करना ।

Up-Rajpramukhs

*1674. **Dr. Natabar Pandey:** Will the Minister of **Home Affairs** be pleased to state the number of Senior and Junior Up-Raj, ramukhs in Part B States (State-wise ?

The Deputy Minister of Home Affairs (Shri Datar): Only the States of Madhva Bharat, Rajasthan and Saurashtra have Up-Rajpramukhs and the number in each case is one.

Youth Hostels in Bihar

*1676. **Thakur Jugal Kishore Sinha:** Will the Minister of **Education** be pleased to state :

(a) the conditions prescribed for the use of Youth Hostels ; and

(b) the names of places where Youth Hostels are located in Bihar ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) The Government of India have not prescribed any conditions for the use of Youths Hostels.

(b) 1. Darbhanga.
2. Mothihari
3. Ranchi.
4. Purnea
5. Biharsharif Patna.
6. Muzaffar ur.
7. Batoyanath.
8. Jamshedpur.

रोपड़ में खुदाई

*१६८१. **डा० सत्यवादी** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) रोपड़ में खुदाई का जो कार्य हो रहा था क्या वह पूरा हो चुका है; और

(ख) यदि हां, तो उस पर अब तक कितना व्यय हुआ है ?

शिक्षा मंत्री के सभा-सचिव (डा० एम० एम० दास) : (क) जी हां ।

(ख) रु० ७१,१८०.

सूर्य की किरणों की शक्ति

*१६८३. **श्री बी० एन० मालवीय** : क्या प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री यह बताने की कृपा करेंगे कि उद्योगों और घरेलू प्रयोजनों के लिये सूर्य की किरणों की शक्ति का उपयोग करने के लिये राष्ट्रीय भौतिक प्रयोगशाला में सरकार जो गवेषणा करवा रही थी उसका क्या परिणाम निकला ?

शिक्षा उपमंत्री (डा० के० एल० श्रीमाली) : आवश्यक जानकारी विवरण

पत्र के रूप में सभा पटल पर रखी जाती है [देखिये परिशिष्ट ६, अनुबन्ध संख्या १३]

Manipur State Police Department

*1686. **Shri Rishang Keishing** : Will the Minister of **Home Affairs** be pleased to state :

(a) the number of police officers from Assam on loan in the Manipur State Police Department at present and their terms of service ; and

(b) the reason for extending the services of the officers on loan from year to year ?

The Deputy Minister of Home Affairs (Shri Datar) : (a) Two.

The terms of service are contained in the statement laid on the Table of the House. [*See* Appendix IX, annexure No. 14].

(b) Non-availability of local officers of sufficient experience.

Industrial Finance Corporation

*1687. **Thakur Jugal Kishore Sinha** : Will the Minister of **Finance** be pleased to state :

(a) the number of applications received up-to-date from Bihar State for aid by the Industrial Finance Corporation ; and

(b) the amount sanctioned on each accepted application ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha) : (a) and (b). 27 applications were received by the Corporation, out of which 10 applicants were sanctioned loans to a total amount of 2 crores 99 lakhs. The names of the Companies which were sanctioned loans and the amount sanctioned in each case are given in a statement laid on the Table of the House. [*See* Appendix IX, annexure No. 15].

Unlicensed Arms

*1688. **Shri Rishang Keishing** : Will the Minister of **Home Affairs** be pleased to state :

(a) the number of unlicensed arms collected so far in Manipur from the hill people ;

(b) the number of arms surrendered voluntarily by the tribal people and arms seized by police ;

(c) whether smuggling or sale of unlicensed arms on the border of Manipur has been reported to the authorities ; and

(d) if so, the areas to which the unlicensed arms are said to have been smuggled or sold ?

The Deputy Minister of Home Affairs (Shri Datar) : (a) to (d). The information is being collected and will be laid on the Table of the House in due course.

Afghan Students

875. **Shri D. C. Sharma** : Will the Minister of **Education** be pleased state :

(a) the number of Afghan students who were studying in the various educational institutes in India under the General Cultural Scholarships Scheme during 1953-54 ; and

(b) the number of Afghan students similarly studying in India at present ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) Eleven.

(b) Ten.

Estate Duty

876. **Shri Krishnacharya Joshi** :
Shri Vishwanatha Reddy :
Shri S. C. Samanta :
Shri Tulsi Das :

Will the Minister of **Finance** be pleased to state :

(a) the total amount collected as Estate Duty during 1954-55 ; and

(b) the total number of cases pending disposal as on the 31st March, 1955 ?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah) : (a) A sum of Rs.85,14,416 was collected as Estate Duty during 1954-55 ;

(b) The total number of cases pending disposal as on 31st March 1955 was 1823.

हाली सिक्का

८७७. **श्री कृष्णाचार्य जोशी** : क्या वित्त मंत्री यह बताने की कृपा करेंगे कि :

(क) १ अप्रैल, १९५५ से अब तक हैदराबाद में कुल कितने हाली सिक्कों का चलना बन्द किया गया है; और

(ख) आज कल वहां कुल कितने मूल्य के भारतीय सिक्के चल रहे हैं ?

राजस्व और रक्षा व्यय मंत्री (श्री ए० सी० गुह) : (क) १ अप्रैल, १९५५ से ३० जून १९५५ तक चलने से वापस लिये गये हाली सिक्कों (सिक्कों और नोटों) की कुल रकम १,५०,९२,९४२ रुपये थी ।

(ख) भारतीय सिक्के के चलन का हिसाब अखिल भारतीय आधार पर रखा जाता है, प्रादेशिक आधार पर वहां नहीं । इसके अतिरिक्त २६ जनवरी १९५० को इन सिक्कों को चलनसार (लीगल टेण्डर) बनाने के पहले से ही हैदराबाद राज्य में भारतीय सिक्के प्रचलित थे ।

जनवरी १९५० से ३० जून १९५५ तक हैदराबाद स्टेट बैंक को जो भारतीय सिक्के दिये गये उनकी कुल रकम इस प्रकार है:—

पूरे रुपये	५१,००,०००	रु०
छोटे सिक्के	९५,३०,०००	रु०
जोड़	१,४६,३०,०००	रु०

Training of Teachers

878. Shri Ibrahim : Will the Minister of **Education** be pleased to state the amount allotted to each State in 1954-55 and 1955-56 for training teachers for Basic Schools ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): A stat ment is laid on the Table of the House. [*See* Appendix IX, annexure No. 16.]

Surplus Stores

879. Shri S. C. Samanta : Will the Minister of **Defence** be pleased to state :

(a) the number of indents placed overseas for stores but subsequently cancelled during the years from 1950 up-to-date, year by year ;

(b) the number of cases in which compensation had to be paid and the amount actually paid ; and

the number of cases in which unrequired stores and equipments had to be accepted and value paid ?

The Deputy Minister of Defence (Sardar Majithia) : (a) The information is not readily available. The colle tion of this information will involve considerable labour and time as each indent and connected papers will have to be scrutinised to find out whether and why the indent was subsequently cancelled. Indents which become very old are sometimes cancelled, as a matter of procedure, for placing fresh indents for the same quantities when the demand for the stores continues.

(b) 10. The compensation paid was Rs. 31,877 approximately.

(c) It has not been possible in the time available to collect this information for overseas indents only. There were, however, 2088 indents of this type (covering goods worth Rs. 248 lakhs approximately) placed both in India and abroad.

Defence Technical Personnel

880. Pandit D. N. Tiwary : Will the Minister of **Defence** be pleased to state whether any steps have been taken by Government in the current year to meet the shortage of technical personnel for the production of Defence requirements in so far as the designers and estimators are concerned ?

The Deputy Minister of Defence (Sardar Majithia) : Certain training schemes are being operated in Ordnance Factories to train suitable candidates for the grades of Draftsmen, Planners and Estimators. Besides, certain facilities for training technical personnel exist and are utilised in specialised branches of the armed services. In addition to these, steps are taken to depute officials to foreign countries and also by recruiting foreign experts to impart the necessary training in India itself.

Purchase of Land by Manipur Administration

881. Shri Rishang Keishing : Will the Minister of **Home Affairs** be pleased to state :

(a) whether Government are aware of the fact that Government of Manipur is purchasing a plot of land and house of a retired Superintendent of Police for Rs. 50,000 ; and

(b) if so, for what purpose the house is to be purchased ?

The Deputy Minister of Home Affairs (Shri Datar) : (a) There was such a proposal but it was dropped ;

(b) For converting it into a Circuit House as there is insufficient accommodation in the present Travellers Dak Bungalow.

Youth Camps in Bihar

882. Thakur Jugal Kishore Sinha : Will the Minister of **Education** be pleased to state :

(a) the number of youth camps, organised in the State of Bihar during 1955-56 ;

(b) the names of places where they were held ;

(c) the nature of work done by them ;

(d) the amount spent on each camp separately ; and

(e) the average expenditure incurred per head per day ?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das). (a) to (e). A statement is laid on the Table of the House. [*See* appendix IX, annexure No 17].

Discretionary Fund

883. Shri Rishang Keishing : Will the Minister of **Home Affairs** be pleased to state :

(a) the amount of the Discretionary Fund placed at the disposal of the Chief Commissioner of Manipur for 1954-55; and

(b) how the amount was utilised ?

The Deputy Minister of Home Affairs (Shri Datar) : (a) Rs. 10,000.

(b) The information has been called for from the Chi f Commissioner, Manipur and will be placed on the Table of the House when received.

Banks in Liquidation

884. Dr. Satyawadi : Will the Minister of **Finance** be pleased to state :

(a) the names of the banks, with headquarters in Uttar Pradesh, which have failed since the 15th August, 1947.

(b) the amount of deposits in each Bank and

(c) the total amount paid so far to the depositors ?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) to (c). The required information is given in the attached statement. [*See* A ppendix IX, annexure No. 18.]

Vol. V
12th September, 1955
(Monday)

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(Part II—Proceedings other than Questions and Answers)

LOK SABHA SECRETARIA
NEW DELHI

SIX ANNAS (INLAND) TWO SHILLINGS (FOREIGN)

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LOK SABHA

Monday, 12th September, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

11-51 A.M.

PAPERS LAID ON THE TABLE

DELIMITATION COMMISSION FINAL ORDER No. 30

The Minister of Legal Affairs (Shri Pataskar): I beg to lay on the Table under sub-section (2) of section 9 of the Delimitation Commission Act, 1952 a copy of the Delimitation Commission, India, Final Order No. 30, published in the Gazette of India Extraordinary, Part II, Section 3, dated the 8th August 1955. [*Placed in Library. See* No. S-320/55.]

STATEMENTS SHOWING ACTION TAKEN BY GOVERNMENT ON ASSURANCES ETC.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): I beg to lay on the Table the following statements showing the action taken by Government on various assurances, promises and undertakings given by Ministers and on suggestions made by Members during the various sessions shown against each:

(1) First Statement—Tenth Session, 1955, of Lok Sabha [*See* Appendix IX, annexure No. 1.]

(2) Supplementary Statement No. VI—Ninth Session, 1955, of Lok Sabha [*See* Appendix IX, annexure No. 2.]

(3) Supplementary Statement No. X—Eighth Session, 1954, of Lok Sabha [*See* Appendix IX, annexure No. 3.]

(4) Supplementary Statement No. XIV—Seventh Session, 1954, of Lok Sabha [*See* Appendix IX, annexure No. 4.]

(5) Supplementary Statement No. XX—Sixth Session, 1954, of Lok Sabha [*See* Appendix IX, annexure No. 5.]

(6) Supplementary Statement No. XXV—Fifth Session, 1953, of Lok Sabha [*See* Appendix IX, annexure No. 6.]

(7) Supplementary Statement No. XXX—Fourth Session, 1953, of Lok Sabha [*See* Appendix IX, annexure No. 7.]

(8) Supplementary Statement No. XXXV—Third Session, 1953, of Lok Sabha [*See* Appendix IX, annexure No. 8.]

(9) Supplementary Statement No. XXXIII—Second Session, 1952, of Lok Sabha [*See* Appendix IX, annexure No. 9.]

(10) Supplementary Statement No. II (Suggestions)—Fourth Session, 1953, of Lok Sabha [*See* Appendix IX, annexure No. 10.]

Shri T. B. Vittal Rao (Khammam): I want to say one thing regarding the statements that have been placed on the Table showing the action taken on assurances etc. Previously, that is, about six months ago, the

[Shri T. B. Vittal Rao]

practice was to intimate Members that such and such an assurance on such and such a question or during such and such a debate had been fulfilled and that the Member concerned could refer to that. But that practice has since been stopped by the Department of Parliamentary Affairs. I would suggest that the old practice should continue, namely, of intimating Members whenever such statements are laid on the Table of the House.

Mr. Speaker: I shall look into the matter.

REPORT OF INDIAN DELEGATION TO EIGHTH WORLD HEALTH ASSEMBLY

The Deputy Minister of Health (Shrimati Chandrasekhar): I beg to lay on the Table a copy of the Report of the Indian Delegation to the Eighth World Health Assembly held in Mexico in May, 1955. [*Placed in Library. See* No. S-321/55.]

ESTIMATES COMMITTEE

THIRTEENTH REPORT

श्री बी० जी० मेहता (गौहिलवाड़) : मैं उत्पादन मंत्रालय (प्रोडक्शन मिनिस्टरी) पर एस्टिमेट कमेटी की तेरहवीं रिपोर्ट पेश करता हूं।

BUSINESS OF THE HOUSE

Shri H. N. Mukerjee (Calcutta North-East): May I ask your direction in regard to a matter which appears on the Order Paper today? At about half past two of the clock today, we are expected to take up the Displaced Persons (Compensation and Rehabilitation) Rules. There are about 122 rules, and nearly two hundred amendments have been tabled so far. I would like to have your directions in regard to the method of discussion. I feel that we might have some general discussion to begin with for about five hours or so....

Mr. Speaker: Let the formal business be put through first. When I come to the business proper, the hon. Member may raise the point.

DEMANDS FOR SUPPLEMENTARY GRANTS

The Minister of Finance (Shri C. D. Deshmukh): I beg to present a statement showing Supplementary Demands for Grants in respect of the Budget (General) for 1955-56.

ELECTION TO COMMITTEE

CENTRAL ADVISORY BOARD OF ARCHAEOLOGY

The Parliamentary Secretary to the Minister of Education (Dr. M. M Das): I beg to move:

"That Members of this House do proceed to elect, in such manner as the Speaker may direct, two Members from among themselves to serve on the Central Advisory Board of Archaeology, constituted by the Government of India."

Mr. Speaker: The question is:

"That Members of this House do proceed to elect, in such manner as the Speaker may direct, two Members from among themselves to serve on the Central Advisory Board of Archaeology constituted by the Government of India."

The motion was adopted.

PRIZE COMPETITIONS BILL

The Deputy Minister of Home Affairs (Shri Datar): I beg to move for leave to introduce a Bill to provide for the control and regulation of prize competitions.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill to provide for the control and regulation of prize competitions."

* *The motion was adopted.*

Shri Datar: I introduce the Bill.

CHARTERED ACCOUNTANTS (AMENDMENT) BILL

PRESENTATION OF PETITION

Shri C. R. Narasimhan (Krishnagiri): I beg to present a petition signed by thirteen petitioners in respect of the Chartered Accountants (Amendment) Bill, 1955.

BUSINESS OF THE HOUSE

Mr. Speaker: Now, I come to the point of Shri H. N. Mukerjee. He wanted to know the procedure for the discussion of the Displaced Persons (Compensation and Rehabilitation) Rules.

Shri H. N. Mukerjee: I wanted to have your direction in regard to the method by which we shall have the discussion. We are only confirming the rules. My submission was that, subject to your consent, perhaps we might have the general discussion to begin with, because there are 122 rules and nearly two hundred amendments so far—and more might come in. If we take the rules one by one, we may not get that total perspective which is very necessary before the House can make up its mind even in regard to individual rules. That is why I wish you to give us some idea as to the kind of general discussion which may be necessary to begin with, and then perhaps we can proceed to a consideration of the rules separately.

Pandit Thakur Das Bhargava (Gurgaon): May I submit a word? When the original Bill, namely, the Displaced Persons (Compensation and Rehabilitation) Bill, 1954 which was subsequently passed into an Act, was before this House, it was said that the Bill was a mere skeleton; and this was endorsed by the Minister in charge also. We expected therefore that when the rules would come the detailed discussion would take place. Now, those rules have come.

As a matter of fact, so far as the rules are concerned, they involve the consideration of many principles also. I should think that the suggestion made by Shri H. N. Mukerjee is very apposite. Unless and until a general discussion takes place, and the points are evolved on which we should concentrate, it will be difficult to go through every rule and pass it during the time that we have got at our disposal. My fear is that if we accept that as the basis of our procedure, namely that we should start by going through every rule, then perhaps we may not be able to concentrate on the principles.

I would therefore support Shri H. N. Mukerjee and submit for your consideration that 4 hours may be devoted to the general discussion of the principles involved in the rules. In fact, these rules are just in the nature of an Act really. Those things which were missing in the original Bill are now being placed before the House. After the general discussion is over, we may take up the specific amendments, and then those amendments may be gone into—as we generally do,—that is to say, the amendments are allowed to be moved, and we have a discussion on them, and ultimately the voting may take place on such amendments as are moved and pressed.

Shri N. C. Chatterjee (Hooghly): May I submit that 4 hours should be given for the general discussion? There are certain important principles which ought to be discussed thoroughly. That discussion may focus the attention of the House and of the country to the more important points that require elucidation in the course of the debate. I therefore support my hon. friend's proposal, and suggest that a

[Shri N. C. Chatterjee]

least 4 hours should be given for the general discussion.

Shri Gidwani (Thana): I also support the proposal. But I would like that we give 6 hours for the general discussion and 6 hours for the consideration of the amendments.

Shri D. C. Sharma (Hoshiarpur): I beg to submit that the time should be allotted equally for the general discussion as well as for the consideration of the rules separately; that is to say, 6 hours should be given for the general discussion and 6 hours for the consideration of the individual rules.

Mr. Speaker: Anyway, we have to work within the maximum limit of 12 hours. If that limit is kept, personally I am not very particular as to whether it should be 4 or 6 hours. But as two views are expressed, I would strike the mean by saying 5 hours, if the House is agreeable to that. I think that will satisfy all.

Shri N. C. Chatterjee: Agreed.

Mr. Speaker: So, we shall have the general discussion for 5 hours, and for the remaining 7 hours we shall have the amendments.

Shri Kamath (Hoshangabad): Before the House proceeds to legislative business, will you bear with me for just half a minute?

You are very well aware that the House is well ahead of schedule. The Companies Bill which had been timed for its winding up this evening is coming to a close at 2 or 2-30 P.M. today.

On the 8th of this month, that is, last Thursday, you were pleased to observe with regard to the dropping of the Question Hour as follows:

> "The other alternative for the Members will be just to curtail all the debates and then of course make room for two hours in the course of time. We will see if it is possible."

So, you had said on that day, "we will see if it is possible." In view of the assurance you have given and the new development that has taken place, may I request you to resurrect these questions from the cold grave of written replies into the warm sunshine of oral answers? I may add that I am not pleading for myself, because there are no questions standing in my name on those two days, but in the interests of the House in general—because once these questions are admitted and supplied to Members, they become the property of the whole House—I would appeal to you to reconsider your decision and make room for these questions to be asked either tomorrow or on the 24th or one day tomorrow and one day on the 24th.

12 NOON

Mr. Speaker: The position is this. The recommendation was made by the Business Advisory Committee, and it has been endorsed by the House. If at all it has to be reconsidered now as I said, it may be reconsidered—it will first have to be considered by the Business Advisory Committee and then by the House. That is the first part, so far as procedure is concerned. On the merits, I do not express any opinion, but I think, though we are in advance in respect of the schedule till now, we should let these rules be put through, and then we shall see as to whether there is an occasion for reconsideration. I am not quite sure that the discussion on the rules will be finished within time, though I wish it is finished in time for other reasons.

Shri Kamath: There is one little snag, and that is this. Once the answers are laid on the Table of the House as written answers, then, of course, we lose the chance for putting those questions for oral answers.

Mr. Speaker: For one day. But let us await the close of the discussion on the Displaced Persons Compensation and Rehabilitation Rules.

COMPANIES BILL

The Minister of Finance (Shri C. D. Deshmukh): I am very grateful to hon. Members for the kind references that they have made to me.

I should like to take the earliest opportunity of passing on the credit to a very large number of people who have helped in the passage of this legislation. First, I may pay a tribute to the Business Advisory Committee for making such an adequte plan for the discussion of the Bill here. I owe my thanks to, apart from my colleague behind me, two other colleagues, the Minister of Parliamentary Affairs, for having helped us so actively in securing despatch for the passage of the Bill, and my other colleague, the Minister of Legal Affairs, both in his capacity as Chairman of the Joint Committee and as my colleague in the Government. The Secretary of Parliament also has helped unobtrusively and so have many other officials, whose names perhaps it would not be in order to mention. But the House can well imagine who could have played a part and devoted so much care to the preparation and drafting of the measure. There are also a large number of people, first in this country and then in the United Kingdom, both official and non-official, who have helped us at various stages with their experience and advice. It is quite clear that in order to come to the end of this difficult journey, one must have an element of luck. Yesterday, one hon. Member said that unfortunately we seemed to have ended on an unlucky number—649. Actually, we are going to end on 658 clauses, and I do hope that 58 is not as unlucky as 49. Therefore, I agree heartily with one hon. Member who said that it was a lucky hand which was required for concluding the consideration of the Bill. I would only add that occasionally it also requires to be a plucky hand. I regard myself as only a *Nimit*:

"निमित्तमात्रं भव सव्यसाचिन्"

"O, dexterous one, you are only the occasion, because you have to steer very carefully between right and the left."

I am thankful that it has fallen to my lot to pilot the Bill, and in spite of occasional hard words and sharp tones, I am under a great debt of gratitude to the Members of the Joint Committee and the Members of the House for their constructive and helpful attitude, which was in evidence on all parts of the House without exception. I have appreciated views which were obviously sincerely held both on the right and on the left and on this side and on the opposite side.

Shri M. S. Gurupadaswamy (Mysore): What about the centre?

Shri C. D. Deshmukh: The centre happened to be my views; there is no great point in saying that I appreciate them. I have found myself in sympathy with the spirit of those other views, as for instance, in the matter of labour representation mainly to let the day light in on the dark and cavernous recesses of company management, or in regard to the question of proportionate representation, and even in the matter of a more penetrating audit. And I have given my reasons why I have been unable to accept the amendments in this behalf.

The two major objectives that we have constantly placed before us have been (1) the workability of this complex mechanism that we are contriving and (2) the desirability of not undermining too much the sense of responsibility among shareholders, directors and managing agents. Now, with wide divergencies of views in this matter, I think I pointed out that some weightage must be given to Government as carrying the executive responsibility for the performance of the private sector, and that is why I have claimed that perhaps the views that the Joint Committee and later on Government put forward are the views which the House, should, for the time being, accept, because we are dealing with a very large sphere of the indusrial world indeed.

Now, as regards the philosophy of Bill—and I would agree that everything to be valuable must have a philosophy—Sir Asoka Mehta has drawn attention to the ethos of the times. I accept his view that the world of join-

[Shri C. D. Deshmukh]

stock finance must move with the times and be in tune with prevailing ideas, that the country is intolerant of concentration of economic power and of the disparities in wealth and we can ignore these trends only at our peril. Indeed we recognise that there is in this country a universal feeling that power should not tend to concentrate and disparities should not persist longer than necessary; and it is the business of Government to prevent these phenomena if they show themselves to the common detriment. But, here again, it is not a question so much of ideas and ideologies but a question of judgment. And, the questions we have to ask ourselves from time to time are will the system of our present choice work reasonably smoothly and will it afford the optimum incentive to both capital and labour. That is indeed what is known as *vishama asi dhara nritya*, that is to say, a very difficult exercise on the edge of a sword, and this is where judgments differ so widely.

The whole Bill embodies the judgment of the majority of the House and I am content to be guided by the views of the majority. I have also reason to believe that shareholders are satisfied with the arrangement that are now proposed as also those concerned with the investment markets, not only the prospective investors but also those who are in positions of authority in the various stock exchanges of the country. Then the entrepreneurs and the management experts seem to be reconciled generally to the provisions of the Bill. I have a feeling also that labour is prepared to be cooperative, subject to decisions being taken on some of the important proposals that are now being discussed elsewhere in regard to labour's participation in management.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

There are, as we are aware, a few dissatisfied elements while the majority has approved either whole-heartedly or with some reserve; and there are others who are prepared to suspend their judgment. Now, one extreme of dissatisfaction is representative of the capitalist view as given expression to by Shri Tulsidas Kilachand. The gist of his feelings was, abolish managing agencies if you like but leave the boards of directors alone. If his view were to be well-founded, then, one would expect that everything would be right in the world of banks and insurance companies where there are no managing agencies. They should be models of joint-stock enterprise. I have been in very close touch with the affairs of these two categories of enterprises, with banks in particular, and I cannot say with confidence that if everything is left to boards of directors, then everything is right in this world. Therefore, as I had occasion to say in the course of my speeches, it is not axiomatic that abuse flows only from one system or another. Abuse seems to be inherent in the exercise of power where money is concerned and the real remedy would be that shareholders should be more able to take care of themselves.

In this matter, it seems to be essential that since individual shareholders cannot properly discharge they are not organised to discharge—their responsibilities, it is essential that bodies and associations of shareholders should be strengthened and developed and those who are interested in ensuring that joint-stock enterprise in this country is allowed to proceed with minimum fetters or hedges, or whatever you might term it, should concentrate their attention on organising and developing shareholders' associations.

Shri Sinhasan Singh (Gorakhpur Distt.-South): Trade unions.

Shri C. D. Deshmukh: Trade unions are well able to take care of themselves.

Shri Sinhasan Singh: There will be then trade unions of shareholders.

Shri C. D. Deshmukh: It is only an analogy whether you call it a trade union or anything else.

I recognise that matters cannot be left entirely to the shareholders' choice because we cannot afford to ignore the economic consequences of any measure to which we now give our approval. Labour is interested, the consumer is interested and other parts of a planned economy are also interested. And, it is because of this wide reaction on any measure which we may introduce and approve that one often finds that it is not possible to encompass everything within the four corners of any particular measure. Some issues cannot fully be dealt with here, for instance, concentration of wealth. They might largely have to be dealt with through other means like fiscal measures, taxation to some of which I made a reference previously.

Then there is the important issue of labour relations and the residual sphere is so large that it is only the fringe that one might attempt to deal with in enacting a measure of this kind. Then there is the question of the special development and regulation of industries. That is why, in addition to this basic structure regulating joint-stock enterprises in this country we have to have other special measures which will look after other special aspects. We have the Banking Companies Act, the Insurance Companies Act, the Electricity Act and the Act for the development and regulation of industries. Then we have certain executive mechanisms which also play a part. Apart from lincences under the Industries Development and Regulation Act, we have the Capital Issue Control Act. Therefore, the worth of anything that we do has to be judged in the light of what we are doing in all these spheres and not in the light of what we are doing only with company law.

I am sure the House must have welcomed the assurances that have been given on behalf of capital by Shri Somani. I would deprecate the analogy like our being after the body or soul of the managing agents, and, if we must have an analogy, I think, we are after their head and heart; not after their head in the head-hunting sense.

But we do wish that a change in heart should come about. And indeed I should be very much surprised if it does not come about because I should say that ready adaptability must be the supreme quality of a successful businessman, and it is surprising how quickly one learns to scale down one's scale of rewards for one's own services where all others are involved. Therefore, I am convinced that private incentive is more a function of a sense of action and justice than a sense of reward. And times indeed must be on a tide of change promising the metamorphosis both rich and strange when at least one of the representatives of big business in this House proclaimed his faith in the supreme lesson of Bhagvat Gita मर्मणयेवाधिकारस्ते Probably some of them had another slogan before them—कर्मणयेवाधिकारस्ते probably some of them had another slogan before them—मर्मणधवाधिकारस्ते। Not to go after the vitals but it is after the duties. To all those who accept that sense of responsibility all I can promise is an answering sense of responsibility, understanding, helpfulness, despatch, and above all, integrity and justice in administration. It will not be, I can assure the House, a case of justice delayed and therefore, of justice denied. In a sense, for none of us this is the end of the journey; indeed it is for most of us the beginning. As hon. Members have observed, the assemblage of powers vested in Government by this Bill is enormous and has probably no parallel elsewhere. I should like to point out here that some of these powers are intended to help and not to hinder; that is to say, we have sought to provide for a certain executive relaxation in suitable and appropriate cases where the general rule itself is somewhere rigorous. Take the matter of interlocking or the matter of clause 197 the overall limit for remunera-

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tion—and so on. We have fixed rather a high hedge but have taken the power to let out a few cases in appropriate circumstances.

I am very happy to give the assurances that have been demanded in regard to the administration; first, that it should be adequately staffed, that it should be competent, that red-tape should be reduced to a minimum and that, finally, we should have a new concept of positive helpfulness; that is to say, our aim should be not to trip up the unwary but to assist actively those who seem anxious to observe the law but find themselves somewhat helpless in this welter of legislation which, I am sure, will be further complicated when the rules come up almost inevitably. Therefore, we have undertaken these duties with a full sense of responsibility and almost with trepidation. Shri Somani has asked in particular that we should exercise the powers vested in us by the proviso to clause 197 so as to see that we do not impair the efficiency of enterprises by denying them the chance of obtaining suitable talent. Since the aim, namely, maintaining efficiency of enterprises at the maximum possible level, is a common aim, I do not think there would be very great difference of opinion in regard to methods. Therefore, we are resolved so to discharge our onerous duties as to advance and not to retard the common weal; in other words, we shall try not to throw the baby out with the bath-water. In this connection, it would not be just to prognasticate our future performance with reference to what happened after the last amendment of the Act in 1936. That experience, I submit, is no correct guide, because the work was decentralised to officers of the then provincial governments who had other duties to perform and there was a lack of what I might describe, as an active central nervous system. Then came the war which upset not this but many other departments of administration. All that we hope to be able to change. I have also taken notice of the request that we should pay special consideration to the small man because I think here again there could not possibly be much difference of opinion as to the desirability of encouraging the rise of small business, and it should not be difficult. Even in countries which are much more advanced than we are, small business still plays what could be described as a predominant role in the industrial life of the country. And since we have a long way to go and a long leeway to make up, I am quite certain that it is *via* the small enterprise that we shall be able to build up the economy of our country. We shall try to bring out a guide as simple as we can make it in regard to company law, in English and in the other regional languages and try to ensure that the common man has company law without tears—may be we might even try to bring out a journal as was suggested by one hon. Member. We would also look forward to the periodical discussions that will take place on our annual report under section 631, which I would recommend Shri More to read because he did not seem to have read it yesterday. He will find that it provides for just the kind of annual report that he had in mind, but perhaps yesterday he was too much at 'sea'—the reference being his obsession with the letter 'C', which he mentioned yesterday.

Shri S. S. More (Sholapur): I am still in the stormy sea!

Shri C. D. Deshmukh: In regard to the volume of work we have no delusions and I fear that it will keep on growing so far as the administration is concerned. But what happens in countries where all enterprises are owned by Government and are run by Government? They must have the same sort of problems. So far as executive guidance is concerned, there are perhaps two remedies available One is the multiplication of ministries. If one Minister cannot deal with

it, then the whole sector of joint stock enterprises might have to be split up into two; one Minister would have to administer one and both of them might perhaps form a board to decide questions of policy.

Shri N. C. Chatterjee (Hooghly): Ministers Limited.

Shri C. D. Deshmukh: It would be a Minister with limited liability. That is what is done in some other countries in the case of Minister in charge of industries. The process of proliferation has started in this country. We started with a Minister of Commerce and Industry; then we had a Minister for Production. Now we have had to set up a Minister for Iron and Steel. I have no doubt that as the public sector expands—we are only on the eve of this expansion—you may have a Minister for heavy industries; a Minister for light industries. I do not know how this proliferation will go on but that is only a logical way in which Government could discharge its responsibility.

The other method would be a judicious method of decentralisation and delegation. But I doubt if we should ever be able to put back the hands of the clock and that is with respect to what Shri Tulsidas said. I doubt if we should ever be able to go back on the provisions which we have inserted for control and regulation in this Bill. It could not be. I doubt the restoration of powers to shareholders although there may be room for adjustment of powers as between shareholders and directors.

Of the many issues that will arise for consideration from time to time among these, the most complex will be the issue of inter-company and inter-director investments—not so much the question of remuneration of managers or even approval of managing agents and managing directors. Those are fairly simple matters; the criteria are clear enough. Ideas may change from time to time and we shall fall in with those changed and altered things. But there are some matters which are inherently complex as those matters of inter-company and inter-director investment, monopolies, trusts, etc. These will have to be watched and studied as complex economic phenomena and I am not sure that there is any simple answer available in order to meet the situation which changes according to the requirements of development of the country. Even in more advanced countries they have not yet succeeded in laying down simple laws in order to regulate these matters. I mention this because the hon. Member opposite, the Deputy Leader of the Communist Party, referred to pooling of the reserves of companies because his fear was that the Company Bill was not geared to the Plan. I am not able to follow his statement because some pre-determined investment by the private sector is part of the Plan and it is secured investment to that extent when we wish to lay down a firm basis of law governing joint stock enterprises. He himself drew attention to the figures in the Reserve Bank Bulletin under which about 75 per cent. of the finance for expansion was furnished internally—in other wards reserves and the share capital taken up by members accounted for that expansion. Now so long as that expansion follows the lines which we have determined in the overall plan. I see no objection for the reserves being used that way. Indeed it is better that that be used that way. We have ample powers some of which I have mentioned—like the licensing under the Industries Development and Regulation Act, Capital Issue Control Act and so on and so forth—all going beyond the scope of the Company Law in order to ensure that private investment is geared to the Plan.

A word about the Advisory Commission. I am sorry that Shri Chatterjee has not yet reconciled to the Commission being advisory. I hope that by actual experience we will convert him one day. As I said I do not think he was clear. Complete autonomy is a snaring delusion *vis-a-vis* Parliament because where it is not part of the executive machi-

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nery—as for instance in the case of judiciary—the ultimate responsibility of the Minister and Government to Parliament—where can it be reflected? This should remain and reflect somewhere in whatever is attempted in the executive field. Therefore, autonomy can perhaps be *de facto* but could not be *de jure*. So far as the possibilities of the *de facto* autonomy are concerned, I have already given an indication of its extent which was, as you will remember, .005 per cent. of disagreement with the Commission.

I said that this power casts responsibility on everyone, certainly not the least on Parliament. I think that the executive will be able to count on Parliament's consideration and understanding—not indulgence. The executive should not feel as if it is always in the docks although it must always remain answerable. Then only can confidence grow for broadening the basis for our socialistic pattern of society. Flexibility and resilience are qualities that will enhance the value of the exercise of power wherever it may reside.

A word about the investing public. The final success or failure of such a measure could not be judged by the degree of expansion that takes place according to the Plan in the private sector. Even as I said though internal finance may play a major role, there is undoubtedly need for fresh capital which will not be either insignificant or transient and therefore, according to the late Shri Gokhale, quoted by Shri More, the contributor of capital is indeed the benefactor. After all he is in a sense a worker who saves part of his labour's fruit for increasing production. Therefore, the confidence of the investor—that is to say, according to the statistics the confidence of the small man, not big captalists, the majority of the shareholders are small men—will be the key to success. It is our intention to round off this legislation with legislation to regulate stock exchanges and we hope we shall have an early opportunity of enacting that measure. As far as we can judge from the figures relating to stock exchanges, the investor is well impressed and prepared to be responsive and that is a good augury for the future.

There is a clause on depositors to whom hon. Members opposite and some Members on this side, in the earlier part of the debate, made a reference. I am sorry that we could not do more to incorporate safeguards in this Bill to protect unwary depositors. But the remedy seems to me that the depositors, like shareholders, should strengthen their organisations and consult experts. They should learn to discriminate between venture and venture and should give up risky habit of depositing their money according to the maximum rate of return promised.

They should learn to be content with safer and lower yields and they must learn to appreciate the fact that they cannot have the best of the both worlds. I believe that it is not possible for the law to give them more significant protection than what we have attempted to give by introducing one small amendment. Even in banking where we have a special legislation to safeguard the depositor in regard to his short-term money and where the business is so rigidly controlld, losses are not uncommon. Indeed they, probably, are of greater dimensions than in the case of depositors *vis-a-vis* industrial enterprise.

Now, there are two sections of the House which do not see much good flowing from this measure. Shri H. N. Mukerjee may be described as the Communist cassandra. He thinks that as long as we have not got a school for qualifying directors and as long as we do not have an extended system of branch audit the Bill will not achieve its main democratic object. Some of the suggestions that they have made are not suggestions that one could embody in the law, but that does not follow that one should

not bear them in mind in choosing people where the power to choose and select people is given to Government. There are many ways in which the record of a businessman will be of relevance and.....

Shri S. S. More: Will you maintain a history sheet for every businessman?

Shri C. D. Deshmukh: At least those who have to come up for managing directorship, managing agents, managers and so on—as I have said, those who will come within our ambit. It is not prudent to say that I believe that every businessman is 'snow white, but, nevertheless there are degrees and, there are certain matters they do which are not capable of being decided with reference to precise laws—as for instance, in tax evasion. Nevertheless, I think it would be relevant to bear the record of businessman in mind when it comes to making a choice and selection for the conduct of business.

Shri H. N. Mukerjee was unhappy that we had not done anything about bonus shares which was a subterfuge for cheating labour out of their dues. I thought I had explained this matter once and if he would take the trouble to study the literature on the subject—The Taxation Enquiry Commission's Report here and a similar report in the United Kingdom—he will find that the issue of bonus shares by itself is not an enormity. It is really another name for reserves which have been ploughed into the industry. It is true that when it takes the form of capital then the rate of dividend appears something different; but that is a calculation which anyone can make. It is so transparent that none need be misled. The question of whether bonus shares should be taxed or not is not a question of morality, it is a question of taxation and, as I have said, we are issuing permits granting permission for the issue of bonus shares irrespective of any decision in regard to taxation. At the proper time, whatever decision we take will be announced or will be applied....

Shri K. P. Tripathi (Darrang): May I point out that the example of England is not applicable on all fours to India because in India bonus is given to labour as part of their wages whereas in England and other countries only wages are paid and no bonus is paid because there the wages are living wages.

Shri C. D. Deshmukh: Nevertheless the point remains that the labour can agitate for any share of the profits. All I am saying is that if there are reserves and if those reserves have been ploughed into business, then all that happens is that the share of the shareholder, because of the increase in assets, is much more in value. To over simlify this problem, what happens is that a share of Rs. 100 because worth Rs. 200 in the market place although the relationship is not arithmetical. All that happens when the permission to issue bonus share is given is that another script for Rs. 100 is given to the same shareholder. Therefere, he is having shares for Rs. 200 and if he wants to sell them out he gets Rs. 200, exactly the same amount that he would have got by selling the original share of Rs. 100. Therefore, *vis-a-vis* the labour, the matter remains the same. I am not denying that the labour should be able to gain whatever they can from tribunals. It will be for the tribunals to see if excessive profits nave been put into reserves. I am dealing with only that part of the reserves which has already gone into the block of the enterprise concern.

In regard to branch audit, Shri H. N. Mukerjee is under some misunderstanding. My colleague did refer to paucity of staff, but that was in connection with clause 225 and not in connection with the amendments proposed to the Schedules. There, our feeling was that by and large the amendment was unnecessary; that is to say, in a large number of cases we should be able to get certified returns from the branch offices which could even be considered and incor-

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porated in his report by the auditor. I mention this in order to remove a misunderstanding.

He also referred to foreign domination. Now, here is a matter in which we see things so different that it is impossible to argue. We believe that foreign investment will be necessary in our country for many years to come because we ourselves are unable to raise the necessary capital. In order that foreign investment should be attracted one would have to ensure that the existing investments are treated fairly and generally in a manner which does not discriminate between them and our indigenous ventures.

Then he has referred to the possibility of split managing agencies and the proliferation of companies; that is to say a textile mill acquiring a caustic soda or some other chemical business. I confess that we have not got out and dried views on this matter. As far as I can see, if a number of shareholders come together and wish to engage their money in starting a number of businesses there should be no objection to those businesses not being closely related. They may or may not be and that choice would seem to vest with the shareholders. Nevertheless, as I have said, we are prepared to keep an open mind on the subject and to study the phenomenon which appears to have come into evidence only recently. In any case, we have the capital issue control which we can operate to discourage and deter any tendencies which, on examination, we find to be undesirable.

Now, I deal with the other Cassandra—the capitalist Cassandra. Shri Tulsidas said that this measure left no room for newcomers; there was no atmosphere for production; there was no chance for the small man and generally that the Bill will fail in its objective. All I can do is to take up the challenge on behalf of Government and the majority, and it will be our duty and pleasure to prove these lugubrious prognostrications as entirely unfounded. As stated earlier by me, the rest of the world is not obviously taking this gloomy view. The stock exchanges are steady and money is forthcoming in the money markets for new ventures if not in the form of shares, certainly in the form of debentures. The example of red-tape and delay that he gave was not a very fair one. He complained that this matter of bonus shares has been held up by us for about a year, that is to say, from August, 1954 to August, 1955. When the matter matured, so to speak, for the issue of orders in August, 1954, we were awaiting the recommendations of the Taxation Enquiry Commission to whom we had specifically referred this matter of the taxation of bonus shares, and therefore, we had to wait till the report came out which was in December or at the end of January for all practical purposes. Then our budget preoccupations prevented us from taking a decision on this matter or indeed left us little time for considering it. After we went into it a little deeper, we came to the conclusion that even if permission was given for the issue of bonus shares it did not commit us, so far as the taxation in whatever form we may decide upon, is concerned. That is why we took the earliest opportunity of announcing that we should be prepared to permit the issue of bonus shares where on examination we found that on other grounds it may be permitted.

Now, the Bill as passed embodies the labour and thought of hundreds of experienced men and the experts of Lok Sabha itself, apart from the Members of this House and the Joint Committee, have taken very great pains and it is a kind of *tapasya* to complete this measure. I have no doubt that this *tapasya* will achieve its objective and I ask the House confidently to share the hope with me when, with apologies, I might adopt a verse of Kalidas in this respect:

अद्य प्रभृत्यन वतांगि तवास्मि दास:
क्रीतस्तपो भिरिति वादिनि सद्विधेयो ।
श्रह्लाय सा निगमजं क्लम मुत्ससर्ज,
क्लेश: फलेन हि पुनर्नवतां विधत्ते ।।

I have substituted "Sadvidheyo" for the original word, and "Nigamajam"—*Nigama* is company—for "Niyamajam".

From this moment, the Bill says to the Lok Sabha: "Oh righteous one, I am yours to do and obey, purchased as I am....

Shri Kamath: Who is righeous?

Shri C. D. Deshmukh: The Lok Sabha.....by your *tpasya*. On this, forthwith, the august assembly shed its weariness for the firuit of labour gives it a new lease of life"

Mr. Chairman: I shall take the consequential amendments first. The question is:

Page 24, lines 42 to 44—

omit "which is required to be stated therein under the provisions of Schedule II or IV, as the case may be".

The motion was adopted.

Mr. Chairman: The question is:

Page 38, lines 39 and 40—

omit "which is required to be stated or set out therein under the provisions of Schedule III".

The motion was adopted.

Mr. Chairman: The question is:

Page 102—

for lines 31 to 33, *substitute*:

"Provided that any such reappointment, re-employment or extension shall not be sanctioned earlier than two years from the date on which it is to come into force".

The motion was adopted.

Mr. Chairman: The question is:

In new sub-clause (4), printed as No. 317 in List No. 13 of Amendments and adopted by the House—

after "Board's report" *insert* "and any addendum therto".

The motion was adopted.

The Minister of Revenure and Civil Expenditure (Shri M. C. Shah): There is amendment No. 1206 to clause 52, and then amendment No. 1208 to clause 258. If you are going in the order of clauses, they may be put now.

Mr. Chairman: I am putting them according to the number of the amendments.

The question is:

Page 146

(i) line 9, *omit* "or any firm in which he is a partner"; and

(ii) line 11, *for* "or the firm" *substitute* "whether alone or jointly with other".

The motion was adopted.

Mr. Chairman: The question is:

Page 147—*after* line 6, *insert*:

"Provided further that nothing contained in this sub-section shall apply where the company has availd itself of the option given to it under section 264 to appoint not less than two-thirds of the total number of directors according to the principle of proportional representation".

The motion was adopted.

Mr. Chairman: The question is:

Page 149, line 15—*for* "such of them" *substitute* "such of the directors as are then in India".

The motion was adopted.

Mr. Chairman: The question is:

Page 184—

for lines 16 and 17, *substitute*:

"Provided that no renewal shall take place earlier than one year from the date on which it is to come into force".

The motion was adopted.

Mr. Chairman: The question is:

(a) Page 27—

(i) line 41, *for* "A notice" *substitute* "A document";

(ii) line 42, *for* "given by the company to any member" *substitute* "served by a company on any member thereof";

(iii) line 46, *for* "notice" *substitute* "document";

(iv) line 47, *for* "service of the notice" *substitute* "service thereof"; and

(v) line 49, *for* "notice" *substitute* "document";

(b) In the amendment, printed as No. 442 in List No. 19 of Amendments and adopted by the House—

(i) *for* "notices" *substitute* "documents"; and

(ii) *for* "notice" *substitute* "document";

(c) Page 28—

(i) line 8, *for* "notice" *substitute* "document";

(ii) line 10, *for* "given" *substitute* "served";

(iii) line 14, *for* "notice may be given" *substitute* "document may be served";

(iv) line 14, *for* "to the joint-holders" *substitue* "on the joint-holders";

(v) line 15, *for* "giving the notice to" *substitute* "serving it on";

(vi) line 17, *for* "notice" *substitute* "document";

(vii) line 17, *for* "given" *substitute* "served";

(viii) line 17, *for* "to the persons" *substitute* "on the persons";

(ix) line 24, *for* "giving the notice" *substitute* "serving the document"; and

(x) line 24, *for* "given" *substitute* "served".

The motion was adopted.

1 P.M.

Mr. Chairman: The question is:

Page 166—

for lines 20 to 22, *substitute*:

"Provided that any such re-appointment, re-employment or extension shall not be sanctioned earlier than two years from the date on which it is to come into force."

The motion was adopted.

Mr. Chairman: The question is:

Page 137, line 13, *omit* "memorandum and";

The motion was adopted.

Mr. Chairman: The question is:

In new part (f) of sub-clause (1), printed as No. 892 in List No. 49 of Amendments and adopted by the House—

for "employee" *substitute* "officer or employee".

The motion was adopted.

Mr. Chairman: The question is:

Page 284, line 3—

after "any Registrar" *insert* "Additional, Joint, Deputy, or"

The motion was adopted.

Mr. Chairman: The question is:

Page 284, line 10—

after "any Registrar" *insert* "Additional, Joint, Deputy, or".

The motion was adopted.

Mr. Chairman: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

CHARTERED ACCOUNTANTS (AMENDMENT) BILL

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to move:

"That the Bill further to amend the Chartered Accountants Act, 1949, be taken into consideration."

This is a simple Bill designed to empower the Central Government to recognise foreign qualifications as equivalent to the qualifications prescribed by the Institute of Chartered Accountants of India for purposes of entry on the register of Chartered Accountants maintained by the Institute. Under sub-section (1) (v) of section 4 of the Chartered Accountants Act, as it stands at present, it is for the Council of the Institute to accord recognition to any examination and training completed outside India as equivalent to the Indian qualifications. If hon. Members refer to section 29 of the Chartered Accountants Act, they will find that the Central Government has been vested with power to withhold membership of Indian Institute from nationals of countries which prevent persons of Indian domicile from becoming members of any institution similar to the Institute of Chartered Accountants of India or from practising the profession of accountancy or subject them to unfair discrimination in their territories. Recognition of foriegn accountancy qualifications is subject to this condition and is, therefore, generally to be granted only on a reciprocal basis. This may well involve, in many cases, negotiations between Governments concerned on a governmental level. In order to facilitate the implementation of the results of such negotiations, we consider it necessary that the power to recognise foreign qualifications should also be concurrently vested in the Central Government as a matter of public policy. As hon. Members will notice, the Bill does not propose to take away the power in this regard now exercised by the Institute. I need hardly add that Government will not, of course, use this power regardless of the nature of the qualifications sought to be recognised; they will, as person with qualifications obtained a matter of practice, consult the Institute, wherever necessary, before granting recognition to any foreign qualifications under this provision.

In this connection, I would draw the attention of the House to subclause (1) (b) of Clause 225 of the Companies Bill as reported on by the Joint Committee which was based on a similar provision in clause 161 of the English Companies Act, 1948. As was explained by the Finance Minister in the course of his speech on the Companies Bill, this clause contained a provision intended to enable the Central Government to authorise any outside India, similar to those prescribed under the Chartered Accountants Act, to be appointed as an auditor of a company and this provision was the subject of protracted discussion between the Ministry of Finance and the Institute of Chartered Accountants. Eventually the Institute agreed that the discretionary authority proposed to be vested in the Central Government, albeit for the limited purpose mentioned in the present Companies Bill, should be obtained not through the Companies Bill, but by a suitable amendment of the Chartered Accountants Act. The Institute pointed out that this procedure would not merely have the advantage of concentrating all provisions relating to the qualifications, training, etc. in one statute, but would also facilitate the exercise of disciplinary control over the members of the profession. Government accepted this advice of the Institute

[Shri M. C. Shah]

and decided to introduce the present Bill. Accordingly sub-clause (1)(b) of clause 225 of the Companies Bill has already been deleted by the House when that clause was under consideration.

Mr. Chairman: Motion moved:

"That the Bill further to amend the Chartered Accountants Act, 1949, be taken into consideration."

There is an amendment to the motion for consideration by Shri Gurupadaswamy. Has the hon. Member submitted the names of the Members of the Select Committee?

Shri M. S. Gurupadaswamy (Mysore) The list is ready and I will now pass it on. I have also consulted all the Members of the Select Committee and they have agreed.

I beg to move:

"That the Bill be referred to a Select Committee consisting of fifteen Members, namely; Sardar Hukam Singh, Shri Hari Vishnu Kamath, Shri T. R. Vittal Rao, Shri B. Ramachandra Reddi, Shri Asoka Mehta, Shri Nemi Chandra Kasliwal, Shri C. R. Basappa, Shri A. M. Thomas, Shri Nettur P. Damodaran, Shri N. M. Lingam, Shrimati Renu Chakravartty, Shri Shankar Shantaram More, Shri U. M. Trivedi, Shri Chimanlal Chakubhai Shah, and the Mover, with instruction to report on or before the 16th November, 1955."

An Hon. Member: Is it a Joint Select Committee?

Shri M. S. Gurupadaswamy: No, it is a Select Committee of this House. It is not a Joint Select Committee.

The purpose of the Bill is commendable; but unfortunately, I think the objects of the Bill will not be realised if we do not take other steps in amending this measure. It is in the fitness of things that we should discuss this measure in the wake of the Companies Bill which was passed just now. At the time of the discussion on the Companies Bill, some Members suggested that there would be no use in amending the company law and the objectives of the Companies Bill might not be fulfilled if we did not take adequate steps to amend the Chartered Accountants Act.

We have been given to understand that in the year 1953 there were about 29,312 companies working and these companies had a total paid-up capital of Rs. 897 crores. The number of auditors for auditing the affairs of these companies, according to my figure, would come to about 2,700. You will see that for nearly 30,000 companies, there are only 2,700 auditors or chartered accountants. According to the next Five Year Plan which envisages an investment of another Rs. 750 crores in the private sector, it would mean that we would be having about 50,000 companies by the end of 1960. If there is no parallel substantial increase in the number of chartered accountants and auditors in the near future, it would be very difficult to cope with the audit work of the companies. In the existing circumstances, I find that there are so many anomalies, so many drawbacks in the audit system. Government have given recognition to only one Institute of Chartered Accountants. It has been given the sole monopoly of holding examinations and giving certificates to the examinees. This Bill seeks to give to the Government power of giving recognition to chartered accountants who have got foreign qualifications equivalent to the qualifications prescribed by the Council of Chartered Accountants. As I said, it is a welcome measure; but the Bill does not go far enough.

Shri M. C. Shah: This Bill has been brought as was decided upon by the Joint Committee. The Joint Committee desired that this clause 225 (1) (b) should not be in the Companies Bill, but it should be rather in the Chartered Accountants Act. This gives only concurrent powers to the

Government, along with the institute. That is the only thing that is being done in this Bill.

Shri K. K. Basu (Diamond Harbour): The Joint Committee was supposed to be expert in discussing the Companies Bill. There are other implications in amending the Chartered Accountants Act. Perhaps that is what my hon. friend wants to emphasise.

Shri M. C. Shah: My hon. friend Shri K. K. Basu will remember that when we discussed clause 225(1)(b), there also this same thing was present. It was then discussed whether this clause should be in the Companies Bill or it should be in the Chartered Accountants Act. That was the point. It was discussed and the Joint Committee asked the Government to discuss the matter with the Council of Chartered Accountants: whether this clause should remain in the Companies Bill or it should go into the Chartered Accountants Act. Therefore, it has been brought here as an amendment of the Chartered Accountants Act.

Mr. Chairman: Does it mean that the Joint Committee on the Companies Bill went through the subject matter of this Bill and came to some conclusion?

Shri M. C. Shah: If you just refer to clause 225(1)(b), the same thing was there. Powers were given to the Central Government.

Mr. Chairman: I want to know, as a matter of fact, whether the Joint Committee on the Companies Bill went into this point which is the subject-matter of this Bill and came to any conclusion.

Shri M. C. Shah: The Joint Committee discussed whether this clause, as it stood in the Companies Bill, that with regard to recognition of equivalent qualification the power should be given to the Central Government, should remain in the Companies Bill or whether these powers should be taken under the Chartered Accountants Act. We have not changed anything. The wording is, the powers are to be exercised by the Council of the Chartered Accountants' Institute. We have only added the Central Government: that is concurrent powers. That was discussed there. On that very understanding we moved an amendment to delete that clause and at that time, I made this point clear also.

Shri U. M. Trivedi (Chittor): On a point of order, it appears that the hon. Member Shri M. S. Gurupadaswamy and the hon. Minister were both in the Joint ommittee and they are discussing in this House things which both of them know to which we are not parties. They are trying to discuss things of which we have no knowledge. I do not know whether there is any propriety in discussing what happened in the Joint Committee. What is recorded here is only this. I refer to para. 85 of the report of the Joint Committee which says:

> "The original clause contained a provision to the effect that a company may appoint a person as auditor, with the approval of the Central Government, although he is not a Chartered Accountant or is not possessed of similar qualifications, if he has adequate knowledge and experience in the matter. This provision has been omitted."

Nothing further that there may be an amendment of the Chartered Accountants Act or anything of the kind is found there. The two gentlemen know something about it. It is not fair to the House. No facts are placed before the House.

Shri V. P. Nayar (Chirayinkil): I think all references to the Joint Committee should be expunged.

Mr. Chairman: There is no point of order in this. The only fact that is mentioned is that this point was discussed in the Joint Committee. It is not any disclosure of what happened in that Committee. This is not objectionable at all. But, one matter

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which is worthy of consideration is, if this matter was discussed in the Joint Committee and ultimately they came to the conclusion that it should take the form of the Bill which has been brought here, there was no question of any other amendment involved there. The matter to be discussed was only whether the Central Government should be given power or not. That is the only point before the House.

Shri U. M. Trivedi: My submission is only this much. While discussing this Bill, they are trying to discuss their own knowledge about what happened in the Joint Committee. We are not in the know of things. That is why I say that it is not proper to discuss here what happened in the Joint Committee.

Mr. Chairman: It is not disclosing something which happened confidentially in the Joint Committee. They say that this matter was discussed.

Shri V. P. Nayar: Even supposing that reference was made in the Joint Committee, how does that reference curtail our right to discuss this?

Mr. Chairman: There is no question of curtailment. The hon. Minister has not said that there should not be any discussion. At the same time, when notice of an amendment is given, the only point before the House is whether the Central Government should be given powers or not. That is the matter to be thought of by the House. Whether this Bill should be sent to a Select Committee, it is for the House to consider.

Shri M. C. Shah: There was one amendment here on this very point with reference to the Companies Bill. When we moved the amendment for the deletion of clause 225(1)(b), I had made it clear.

Mr. Chairman: I know that.

Shri M. C. Shah: That is the only matter that I want to bring to your notice.

Shri A. M. Thomas (Ernakulam): The Joint Committee has given that power to the Government in the Bill as reported by them.

Shri V. P. Nayar: Then, why this Bill?

Shri A. M. Thomas: Because that clause was deleted.

Mr. Chairman: After all, the power was given and they were directed to bring a Bill. They must have brought the Bill in consequence.

Shri V. P. Nayar: That is exactly my position also.

Shri M. S. Gurupadaswamy: We are in the same position as we were. There is no secret agreement between the Finance Minister and me.

Shri K. K. Basu: Thank God, you did not have that.

Shri M. S. Gurupadaswamy: The deliberations of the Joint Committee are being referred to.

Shri U. M. Trivedi: You have not given a minute of dissent on that clause.

Shri M. S. Gurupadaswamy: About this measure, my simple point is, when you are discussing an amendment of the Chartered Accountants Act, 1949, should we not take this opportunity of amending certain other sections, if they are necessary? In the Joint Committee, let me point out, we said that the proper time to move an amendment would be when the Chartered Accountants Act comes before the House. That was the only understanding which we had.

I was making a point that the Council of Chartered Accountants has been enjoying the sole and exclusive monopoly of conducting examinations. I want to know whether the examinations conducted by this Council are properly done. I have got certain figures to show that the Council of Chartered Accountants has been exercising its powers of monopoly given

by the Government through this Act to keep out as many as or as a large a number of competent men as possible, and to preserve this monopoly to a handful of people who are not competent, who are not fully qualified, is positively harmful. The minimum qualification required for an examination, I understand, was matriculation before. I was told it has been raised to intermediate now. In the case of another organisation, that is, the Society of Incorporated Accountants and Auditors of India, you will find that 90 per cent. of the people who have passed, who have appeared for the examination under that Society, are graduates, or post-graduates, and nearly 50 per cent. are double graduates possessing law degree. And now, according to this Act, they cannot work as chartered accountants, whereas only the persons who have taken the certificate from the Council of Chartered Accountants are competent to work as chartered accountants. The result is, as I said, there has been a growing monopoly. And power has been given to this Council which is not exercising that power in the interests of the country, in the interests of the auditors and accountants in general. They are preserving this power, they are exercising this power, with a view to promote their own cliques, with a view to benefit their own group, and it has caused a lot of heart-burning to more competent and more qualified people.

I say that the present number of 2,700 chartered accountants is not enough. Even today, these chartered accountants cannot go to branch offices. They are all clustered together in principal cities, and they are not in a position to audit the branch offices which are in small towns and in rural areas. The result is there has been too much laxity in the methods and practice of auditing.

Shri C. R. Narasimhan (Krishnagiri): On a point of order, Sir. The hon. Member's motion is for reference to Select Committee and he wants to go into the whole Act. Is it permissible normally under the rules of our procedure to go into the entire Act and suggest new clauses, altering the very basis of the original Act? Is it possible now to do like that? He suggests that the whole basis should be altered, and that is his attempt. I want to know whether under the rules, when we are considering a Bill altering only one clause of the Act, the whole Act can be gone into.

Mr. Chairman: Objection has been taken on the basis that this discussion which has been intiated by Shri Gurupadaswamy is outside the scope of this Bill. So far as this Bill is concerned, it only consists of one clause, and the Statement of Objects and Reasons says that the Central Government may be authorised to do particular things which were only open before to the Institute of Chartered Accountants.

Shri C. R Narasimhan: In this particular matter.

Mr. Chairman: In this particular matter, of course. But there is a great difference between amendments sought to be moved to the clauses and general discussion on the Bill. When we are on any amending Bill, in regard to the main Act the usual procedure is that even the operation and working of all the circumstances relevant to that Act are taken into consideration. At present we are on the general discussion. In the general discussion it may be allowed, but when we are considering clause by clause, the scope becomes limited. In the general discussion it is not usual not to allow this kind of discussion. The hon. Member is only discussing that if the Central Government is authorised to recognise these foreign qualifications, there is no occasion why the Central Government should not be given powers to recognise these very qualifications if these qualifications are to be found in the country itself. That is the basis of the argument.

Shri C. R. Narasimhan: My fear is.....

Shri V. P. Nayar: Don't have any fear.

Shri C. R. Narasimhan: What he intends to carry out can be carried out only if other clauses of the original Act are amended. Is that permissible?

Mr. Chairman: In the general discussion, it is to a certain degree permissible even to go into the whole Bill which is to be amended, whereas when we come to the particular provisions, then it will be seen whether the amendment is relevant to the clauses of the Bill, and the scope of the Bill becomes a little more extended in general discussion than it is when we are considering clause by clause.

Shri K. K. Basu: May I make a submission? The amendment is very relevant since the chartered accountants have certain special rights, but by this amendment another class of new chartered accountats whom Government will recognise is created. So, the whole basis is going to be changed.

Mr. Chairman: Order, order. I have not held all these amendments which are given notice of relevant. That will be seen when we come to the amendments. Here we are only concerned with the general discussion and the general form of the original Bill also so that we may see whether this Bill is necessary. For instance, a person can argue even that this Bill is not necessary because there are enough accountants. Another may argue that they are not enough, that this Bill is rather narrow and should be extended. All these things are permissible so far as the general discussion is concerned.

Dr. Suresh Chandra (Aurangabad): May I know how much time is allotted for this Bill?

Mr. Chairman: So far as this Bill is concerned, I hope it might not take more than an hour including the clause by clause consideration. We started at about 1 P.M. and we have already taken 25 minutes.

Dr. Suresh Chandra: Then, his time is finished.

Mr. Chairman: There is no question of his time being finished. The hon. Member will take the hint now and he will finish now. I suppose the hon. Member may also wish to speak.

Shri K. K. Basu: Yesterday the Minister of Parliamentary Affairs said the issue should be taken up in the non-quorum hours. That is, the suggestion made by the Minister yesterday was that up to 2.30 we could discuss this Bill and after that the Displaced Persons rules will come. In view of the fact that 25 minutes are over.

Mr. Chairman: Let us see how the discussion proceeds. At the same time, there is no need to be very prolix on a small Bill like this. I therefore request Shri Gurupadaswamy to be kindly brief so that others also may get a chance.

Shri M. S. Gurupadaswamy: They have taken up so much of my time.

I was stating how the examinations have been held by the Council of the Institute of Chartered Accountants how they have made use of this to make it a close preserve of a small group of men who are unqualified. The result of these examinations shows that 95 per cent. of the candidates have failed so far. Regulation No. 28 of this Council lays down that a failed candidate has to pay Rs. 250 for each paper if he wants his papers to be revalued. No university dares to charge even one-tenth of this amount. They have got this particular monopoly and have restricted the number of qualified persons entering the field merely because they want to get very large revenues. It is estimated that a sum of Rs. 6,000 is taken from each entrant who has also to serve as an articled clerk for also to serve as an articled clerk for to nine years under Regulation No. 31 without any remuneration before he is given a certificate to practise. This prohibitive cost and unnecessarily

long period of training has made social and economic justice impossible. The total remuneration earned by these 2,700 auditors runs into nine figures which is more than twice the income of a director of the East India Company and puts to shame the monopolies granted by Queen Elizabeth I of England.

Dr. Suresh Chandra: What is the document you are reading from?

Shri M. S. Gurupadaswamy: My own. I have prepared a note myself. I have not taken from anywhere else.

There are interesting cases wherein you find that the quality of these chartered accountants is not so high. I would draw your attention to the observation made by Shri Viswanatha Reddy and Shri Varadachariar, both of whom were chairmen of the Income-tax tribunal. They have criticised the work of these chartered accountants in scathing terms. They have said that the work of these chartered accountants is very unsatisfactory, that there has been too much of corruption in their work, and that there has been too much of temptation offered to them by the industrialists with a view to get audit certificates. There are judicial pronouncements of the Madras and Calcutta High Courts in respect of two cases, namely *M. S. Krishnaswamy, ex-Vice-President of the Institute of Chartered Accountants of India vs. the Institute of Chartered Accountants of India, and G. K. Ghosh vs. the Institute of Chartered Accountants of India.* They have held in these cases that:

> "The auditors have passed balance-sheets which did not exhibit a true and correct view of the state of affairs of the company."

Further, they have pointed out:

> "The balance-sheet was defective and misleading and the auditor was grossly negligent in the discharge of his duties."

These are very serious and grave charges against chartered accountants.

The point I am making here is that these malpractices have cropped up because this particular Institute of Chartered Accountants is enjoying the sole monopoly since 1949. After all, it is a private institution. But it is functioning as though it is a semi-Government body.

The Chartered Accountants Act was passed in the year 1949, before we adopted the Constitution. According to the existing practice, an auditor in a Part B State cannot audit in a Part A State. Suppose there is a business concern situated in a Part B State, then the auditor in a Part B State can audit the affairs of that company. But suppose the company shifts its business or its headquarters to some place outside that State and goes to a Part A State, then that auditor cannot come into the Part A State and audit the accounts of that company. This is really discriminatory. It is against the Constitution. Equal opportunities are not given to equally qualified people to audit the affairs of the company. To say that an auditor in a Part B State cannot come to a Part A State and audit the accounts of a company is really contrary to the spirit of the Constitution, if not the letter.

I submit that these are all the various anomalies which are prevalent. I want the hon. Minister and also the Members of this House to consider whether it would not be advisable to break this monopoly given to these small group of men, in view of the fact that they have taken advantage of the power given to them and exploited it for their own selfish needs to make money. Should we not break this monopoly now? If we want to break that monopoly, then would it not be advisable and desirable to give recognition to the Society of Incorporated Accountants and Auditors, which commands more quality, better stuff and better competence.

Shri C. R. Narasimhan: Question.

Shri M. S. Gurupadaswamy: It is not a question. Unfortunately the hon. Member does not know anything about these things and I only feel sorry for him. I have only said in all seriousness that there are so many competent people who have taken certificates issued by the Society of Incorporated Accountants and Auditors. They are double graduates, and they are more competent than others. When that is so, why should not you take power to recognise this Society of Incorporated Accountants and Auditors? If you do not want to do so, then I would suggest that you yourself hold the examination under Government auspices. Let the Auditor-General of India hold the examinations without the media or without the help of these private institutions. And let the certificates be issued by the Auditor-General or under Government auspices. If that is done, then there will be fairplay and justice.

At present, you are favouring a set of people who are unscrupulous, who are corrupt and who are unfit to be chartered accountants. The result is that the public treasury is not getting the money that is due to it. It is losing a lot of money because there is always an undesirable and unholy alliance between these chartered accountants and the big business. There are instances where these chartered accountants charge Rs. 100 for one hour. How is it possible for the small-scale and medium-scale industries to pay them Rs. 100 for one hour? Is it ever possible for these small and medium size industries to take their help by paying them Rs. 100 for one hour?

I am sorry Government's policy in this respect is shabby and nasty. I therefore urge that it requires radical revision.

Mr. Chairman: Amendment moved:

"That the Bill be referred to a Select Committee consisting of fifteen Members, namely, Sardar Hukam Singh, Shri Hari Vishnu Kamath, Shri T. B. Vittal Rao, Shri B. Ramachandra Reddi, Shri Asoka Mehta, Shri Nemi Chandra Kasliwal, Shri C. R. Basappa, Shri A. M. Thomas, Shri Nettur P. Damodaran, Shri N. M. Lingam, Shrimati Renu Chakravartty, Shri Shankar Shantaram More, Shri U. M. Trivedi, Shri Chimanlal Chakubhai Shah, and the Mover, with instructions to report on or before the 16th November, 1955."

Shri K. K. Basu: There is no Minister in this Select Committee.

Dr. Suresh Chandra: Who is the Chairman?

Mr. Chairman: The chairman is not appointed by the Mover, as the hon. Member knows. It is the business of the Chair to appoint the Chairman.

Dr. Suresh Chandra: Shri A. M. Thomas does not want to be a Member on the Select Committee. He is refusing to be a Member.

Mr. Chairman: Shri A. M. Thomas is here, and if he does not want to serve on the Select Committee, he can say so.

Shri Kamath (Hoshangabad): No proxies are allowed.

Shri V. P. Nayar: I must say at the outset that I yield to none, not even to Shri M. C. Shah, in my ignorance of matters relating to accounting.

I have been making an attempt this morning to find out what was the actual motive behind the Finance Ministry in bringing forward this seemingly innocuous little piece of legislation. As I was reading the Statement of Objects and Reasons, I found that Government's case is that in certain other countries there is what is called the reciprocal arrangement, and naturally therefore when they recognise the qualifications of our accountants, we ought to extend or show that kind of recognition to those

people who have qualified, as the clause puts it, from without India.

Before coming to the point, I want the hon. Mover of this Bill and the House to consider whether in this present context, there is any urgent need for an amendment of the law relating to chartered accountants. Is the hon. Minister listening to me? I find that he is reading something, very attentively.

Shri U. M. Trivedi: Are you addressing the Chair or the hon. Minister?

Shri V. P. Nayar: He must hear what I am saying.

Mr. Chairman: The hon. Minister is there, and that is quite sufficient. Who can say whether he is hearing or not? No Member can say that.

Shri V. P. Nayar: The very fact that he does not yet turn round and look at you shows that he is not hearing, Sir.

Mr. Chairman: For instance, Shri A. M. Thomas is not looking at me. Does it mean that he is not hearing me?

Shri M. C. Shah: Yes, I am hearing.

Shri V. P. Nayar: As I was trying to find out what was the real need for an amendment of the law relating to chartered accountants, I thought that this amendment which seeks to give certain powers to Government is not the primary need which we have. The laws for accountants, as provided now, do not give the accountants that much of safety in bringing to the notice of the public *golmals*.....

Shri Kamath: You have coined a new word.

Shri U. M. Trivedi: It is a nice Indian word.

Shri V. P. Nayar: It is well-known .....which are very common in the use of corporate funds in almost every case. It is well known that the auditors who function for checking up the accounts of the various bodies do not have the right—at least in practice they do not exercise such right—to bring to the attention of the people concerned how the public funds have been swindled by the management.

I am driven to the necessity of quoting from an article by no other a person than Mr. J. J. Kapadia, in which there is an instance in point. This has already been quoted in this House. This is from an article published in the *Statesman*. In this article, Mr. J. J. Kapadia has pointed out a case and says:

> "We have examined the reports of the auditors Messrs. A. F. Ferguson & Co., on the accounts of the two mutual companies for the year ending 31st March 1947, which contain startling disclosures with regard to many of the objectionable methods and practices followed by the management. The auditors have drawn attention to several transactions of loans and advances as between the two mill companies, and the companies are in the Dalmia-Jain group."

I am submitting that when an auditor passes such remarks in his audit-report, very often what we find is that in the next general body meeting, the board of management or the managing agency, whoever is in overall control, gets through with a resolution appointing some other person in the place of such an auditor. You know that it is very irksome for those who manage corporate funds to allow the auditors to know several details, and when an auditor makes a demand that such and such papers should be placed before him, what we generally find is that for the next year in the same company that auditor does not continue. What are our laws which prevent such abuses? Here I would make a suggestion. I would very earnestly request the Minister of Civil and Revenue Expenditure to consider whether in the present context, our urgent necessity in regard to reform of the law of accountancy is not to set up an Institute of cost accountants. I submit that while on the one hand, it will help the Government of India in finding out the

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real cost, especially of manufactured articles, on the other, it would also help the auditors who are functioning under the present Act, to do their duties more conscientiously. As you know, year after year, the work of the Tariff Commission is on the increase. They have got such a large volume of work to tackle and very little help from cost accountants. But the point which I want to stress is that in the case of audit of a public company by a chartered accountant, it is not open to him to ask for any details he wants; if he does so, he is sure to get a kick from the managing agencies. He is very much interested in securing practice. As Shri M. S. Gurupadaswamy said, each of these chartered accountants earns figures to the extent of 9 digits.

Shri Kamath: Not each.

Shri V. P. Nayar: The entire lot.

Shri U. M. Trivedi: What will it be?

Shri V. P. Nayar: I am unable to calculate just now. When such an audit is taking place, what is the position? Suppose it is a manufacturing enterprise. If there is a certificate by the cost accountant that he has verified the accounts in regard to the costing of material, then the position of the auditor is also made easy, because the cost accountant's certificate may be taken as authentic and acted upon. I do not say that even if you have a system of cost accounting, there will be no abuses; under the present circumstances, there is bound to be abuses. But we can safely say that by having a system by which the cost accountants will also operate in this country, they will have the necessary powers to go into the accounts in so far as any manufacturing process is concerned.

Then, Sir, I feel it will give the auditors a better chance to exercise their rights. I presume Government have not so far even thought of forming any such body of cost accountants. If the Government had brought forward a piece of legislation for setting up such a body, something on the lines of the Chartered Accountants Act, with a Council and all that, we could have understood the attitude of Shri M. C. Shah or his Government or their anxiety to make the law up-to-date and fill up existing lacunae. But so long as Government do not have any such thing under contemplation and so long as we do not have the very prominent, desirable and necessary place for cost accountants in the financial side, I fail to see what priority this amendment has in making matters up-to-date.

The point about this particular Bill is this—and it gives rise to some confusion—that Government say that they also should have similar powers for recognising foreign qualifications equivalents of Indian ones. I would like to pose this question. The Bill was passed in 1949, and from 1949 till to-date I find there has been no amending Bill. Now, Government say that we have to extend certain reciprocity. Has this question of extending reciprocity in so far as foreign qualifications are concerned, been posed before us by any foreign countries? I want Shri M. C. Shah to let me know when he replies whether this omission from the parent Act has been pointed out by any other foreign country, and our Government have been asked to fill up this lacuna. If it were so, there is a case. Merely saying that for the last five or six years we have not had a reciprocal arrangement and therefore, we should come to a reciprocal arrangement does not take us far; the matter does not seem to me to be so simple as all that.

Then there is also another question. I find from the original Act that five representatives of Government have been functioning in the Council of the Institution. Under section 9 of the Act relating to the constitution of the Council, you find that the Council shall be composed of the following persons, namely, persons elected by the members of the Institute from

amongst the Fellows of the Institute chosen in such manner and from such regional constituencies as may be specified in this behalf by the Central Government by notification, and five persons nominated by the Central Government. So Government already have in this Council five persons. I would also like to know whether, in case no foreign power has drawn the pointed attention of Government to the fact that there is no reciprocity, as you find in other countries, our Government representatives in that body have told Government about this. That is a very pertinent point, because, I presume that these five people, who are there, have not been able to get things done in their own way. It may either be to the detriment of their personal interests or—I am prepared to concede—if their views were not accepted or acted upon by the Council as such, there is also the possibility or the risk of Government's interests being put in jeopardy. I want also to know whether this was the reason. Otherwise, I do not find a third reason which could be attributable. After all, we know that there are so many lacuna in so many pieces of legislation; this is not as innocuous as it appears to be. So that when we consider this, I am sure the hon. Minister will tell us something about it. In principle, I am not against conferring such powers on Government. But it is a very highly technical matter. What is the machinery which Government now have on the basis of which they can override the decisions of a very technical, highly specialised body as the Council? I am certainly not against giving such a wide power to Government, provided Government can convince me that such power, as is given under such legislation, will be exercised with proper judgment, with proper caution and with proper thought. I also want to know from the hon. Minister how Government propose to work it. Taking it for granted that we give this power to Government, through which authority are they to give such recognition? Because in matters of accountancy, the test of qualifications becomes so very technical. That was why I said that I do not yield to anyone, even to Shri M. C. Shah, in my ignorance of matters relating to accountancy.

I was wondering when I heard Shri M. S. Gurupadaswamy, who seems to know quite a good lot of facts and figures about accounting, why he did not press for the reference being to a Joint Committee instead of to a Select Committee.

Shri M. S. Gurupadaswamy: Table an amendment.

Shri V. P. Nayar: I submit that the desire of Shri M. S. Gurupadaswamy to send this "two word" Bill to a Select Committee at this stage seems to show a misplaced enthusiasm, and I request him to withdraw his motion. If at all we have to consider this, the whole Bill has to be considered in a different perspective. Then I can understand the Bill being sent to a Select Committee, but here we are committed to changing only one or two words, for it is only the extension of certain powers to Government.

Shri M. S. Gurupadaswamy: There is a world of difference.

Shri V. P. Nayar: He probably lives in another world; in this world of ours there is not much difference.

So I would beg of the hon. Minister of Civil and Revenue Expenditure, to take us into confidence and tell us, what really is behind Government in bringing forward this legislation.

Mr. Chairman: I expect that hon. Members will be short. Now, it is already ten minutes to 2. I propose to close the general discussion, say, at five minutes past 2. After all, we must have some time for the clause by clause consideration also. We propose to take up the Displaced Persons Rehabilitation Rules at 2-30. Therefore, the time at our disposal is very short. I would just request the hon. Members who take part in this Bill to finish within 3 to 5 minutes. After all, the simple point

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is, as Shri Narasimhan put it, here we are not concerned with the provisions of the Act. We are only concerned with this particular Bill and the only principle involved is whether the Central Government should also be authorised. The Council is authorised. The question is whether the Central Government should also be authorised in the matter of recognition of qualifications etc.

Shri C. R. Narasimhan: Will we have sufficient time? Only one clause has to be considered.

Mr. Chairman: But there are 5 or 6 amendments.

Shri Kamath: What will happen to the amendments standing in the name of Pandit Thakur Das Bhargava?

Mr. Chairman: When we have finished this motion so far as consideration is concerned, then that point will arise whether any person is allowed to move them on his behalf or he himself moves them, whether he is able to move or he does not move them at all.

Shri U. M. Trivedi: Other speakers have taken 30 and 25 minutes. We would therefore request at least 5 minutes.

Mr. Chairman: I propose to finsh this stage at ten minutes after two.

Shri A. M. Thomas: Sir, as you have correctly pointed out, the short question before us is whether the Central Government should be authorised, apart from the existing provisions in the Chartered Accountants Act, 1949, to admit persons with foreign qualifications to be authorised to conduct the audit under the Companies Act.

While I spoke on the general discussion when the Companies Bill as reported by the Select Committee was taken into consideration, I posed the question and asked whether there was after all any necessity to amend this Bill. I did not get any answer. I also raised the fears that have been entertained by the Chartered Accountants in our country that if this power is vested in the Government, the Government might use that power in a way which will facilitate entry of persons with foreign qualifications who will flood the field of Chartered Accountants, and the indigenous elements might gradually be ousted. There were also Press reports to that effect and my doubts were to a certain extent, based on those reporters. But the Accountants themselves—some of them—came forward and said that they need not have any fear on that account. At the same time, even those people expressed fears that by investing the Central Government with this power, whether there would not be two authorities competent to deal with the subject. That doubt has also been raised when the Joint Committee on the Companies Bill took evidence. You will find this in the evidence tendered before the Joint Committee by Shri Vaish on behalf of the Institute of Chartered Accountants of India. He answered:

> "Having done that, I think it will be dangerous to create two or three different categories of accountants. They should all come under the same body. If anyone is considered fit enough by the competent authorities, whoever they may be, to practise the profession of accountancy, he should be a member of the Institute of Chartered Accountants of India."

Again, he has repeated:

> "My initial objection is that nobody who is not a member of the Institute should be allowed to practise the profession of accountancy in India..... In other words, persons so recognised should be members of the Institute If the provision as it stands today is allowed to become law, it will mean that there will be one category of accountants governed by the Chartered Accountants

Act of 1949 and another category of accountants which will have nothing to do with the Institute, which will have nothing to do with the Chartered Accountants Act."

These feelings have also repeated in a petition which Shri Narasimhan has placed on the Table of the House this morning with the Speaker's permission. I will also read one or two paragraphs from that petition because hon. Members would not have had time to go through it. The petition says:

"Your petitioners further feel that, when certain persons possessing foreign qualifications are enrolled in the Register of Chartered Accountants, a period should be fixed during which such persons shall be members of the Institute of Chartered Accountants of India, as a concession granted to certain specified persons for a specific purpose should not be extended indefinitely.

Your petitioners are also anxious that the disciplinary control of the Institute over all those who practise this profession in India should continue to vest indisputably with the Institute."

We have now created a statutory Institute by the Act of 1949. I feel that we should not do anything which will even remotely detract from the authority and importance of that body.

I am sorry I have to differ from some of the sweeping allegations which were made by Shri Gurupadaswamy. We have to realise that it is a key position that is occupied by the auditors in the scheme of the Act, and in their efficiency and integrity and the high morale in which the profession is kept depend the successful implementation of the Companies Act itself. We have to be very careful in the admission of persons as accountants. There is a complaint that it was much easier to pass the Indian Civil Service Examination than be qualified for being a Character Accountant under this Act. We also hear that although several persons have appeared only a few persons got in.

Shri Kamath: Who said it is much easier.

Shri A. M. Thomas: I am glad that Shri Kamath has passed that examination.

Shri Kamath: Not the Accountants' but the other one.

Mr. Chairman: He referred to the I.C.S. examination which aroused Shri Kamath.

Shri A. M. Thomas: Yes, Sir, the I.C.S., I feel that there should be no conflict at all. We have, as far as possible, to see that the purpose of the Chartered Accountants Act of 1949 is not defeated in any way. I wish that when the hon. Minister replies he should allay the fears that have been expressed by the Chartered Accountants who are already working in the country and he will also give an assurance that whenever the Central Government recognises any person with a foreign qualification, the body which has been constituted under the Chartered Accountants Act will at least be consulted. It should also be made a condition that those persons who are admitted should also become members of the Institute. If only these two precautions are taken, we will have a homogenous body and a single body which would be dealing with this branch of the administration of company law.

The hon. Minister stated that it will be only on a reciprocal basis that permission will be given to foreigners to practise in this country. I have to submit that I do not think that there are very many Indians who are going to foreign countries to practise accountancy. Because of the fact that there are so many foreign companies in India, there will always be the tendency for those companies to bring in as many foreign auditors as possible.

Shri C. R. Narasimhan: If I may interrupt, it will be one-way traffic.

2 P.M.

Shri A. M. Thomas: My hon. friend has put it very correctly. It is likely to be one-way traffic and, as I have submitted already, it is likely that indigenous talent may be gradually eliminated. Having regard to the hold that foreigners have in several of our companies, I feel that even if Government takes up these powers, it should be very guarded and careful in allowing persons with foreign qualifications to take up the work. I believe that Government will bear these facts in mind and that the necessary assurance on the part of Government will also be forthcoming with regard to the points I have raised.

Shri U. M. Trivedi: I will be very brief.

Shri V. B. Gandhi: (Bombay City —North) *rose*—

Mr. Chairman: Any Hon. Member who has tabled amendments will speak later, on the amendments.

Shri U. M. Trivedi: What surprises me is that the Statement of Objects and Reasons that has been given is not what has been disclosed to us in the House. The Statement as attached to this Bill says: "with a view to recognise examinations and training conducted outside India as equivalent to those prescribed for members of the Institute for purposes of enrolment on its register. Since such recognition is generally to be granted only on a reciprocal basis, it is considered necessary on grounds of public policy, that the Central Government should also have similar power for recognising foreign qualifications as equivalent to Indian ones."

Clause 225 in the Companies Bill, as we have passed today, says—I am not concerned with sub-clause (a) but only with (b) which is:

> "He is for the time being authorised by the Central Government to be so appointed as having obtained similar qualifications outside India."

In other words, the whole mischief is the creation of the Government itself. There was no need, and nobody approached the Government saying that a need had arisen, that there was dearth of accountants and that therefore we must recognise the accountants of other countries. When the need was not there, we have by our own creation brought about a provision in the company law whereby we must make some similar provision. My submission, therefore, would be this. Let this remain a dead letter; it is not necessary that the Chartered Accountants Act must be amended for this purpose.

Mr. Chairman: Section 29 of the old Act should be looked into.

Shri U. M. Trivedi: It deals with the entry of names in the register.

Mr. Chairman: The reciprocity, clause is there in section 29.

Shri U. M. Trivedi: Yes, but that requires only a notification; that does not require any change in the law. It simply says:

> "Where any country specified by the Central Government in this behalf by notification in the official Gazette, prevents persons of Indian domicile from becoming members of any institution similar to the Institute of Chartered Accountants of India or from practising the profession of accountancy of subjects them to unfair, discrimination in that country no subject of any such country shall be entitled to become a member of the Institute or practise the profession of accountancy in India."

Mr. Chairman: This is rather in the negative, but the second part is positive.

Shri U. M. Trivedi: "Subject to the provisions of sub-section (1), the Council may prescribe the conditions, if any, subject to which foreign qualifications relating to accountancy shall be recognised for the purposes of entry in the Register."

Then my submission would be that the language of the proviso ought to have been emobodied. But what is being done is this. We are having the same law. Then a further provision is made that instead of the Council stepping into it, the Central Government is stepping into the picture. In other words, a statutory examining body, created by the provisions of the Chartered Accountants Act is not trusted to discharge this duty.

Mr. Chairman: Both are mentioned in this clause—the Council as well as the Central Government.

Shri U. M. Trivedi: The Council or the Central Government.

Mr. Chairman: Now the Central Government is added.

Shri U. M. Trivedi: That is why I say that some sort of dual Control over it is sought here. In other words, Government thought that this body could independently also act and may act very justly and may not give recognition to such persons to whom the Government may want to give recognition. We have got an incorporated society in England conducting the law examinations—it is the Incorporated Law Society. It recognises certain degrees and confers certain degrees and it is not interfered with in its administration or in the question of recognition by the Government of the U.K. In this respect here, the necessity has arisen for putting the words "The Central Government" when the words "The Council" are already there. That is why my original submission was that in giving the objects and reasons, it had not been made clear why the words "The Central Government" were added. Reciprocity is all right. We have recognised it, but it does not signify why the words "The Central Government" are added. If the hon. Minister could give the reasons for this addition, it will be fair to us; otherwise, he should withdraw his Bill.

Shri M. C. Shah: This is a very simple matter. I have already explained while introducing the Bill that when we discussed the Companies Bill, as a matter of fact, the Central Government were taking powers to allow outsiders or those who have passed examinations outside with similar qualifications. As pointed out, the matter was discussed with the Council of the Institute of Chartered Accountants and they said that it was better to have this power in clause (v) of sub-section (1) of section 4. We accepted their advice and yet my hon. friend, the last speaker, accused the Government of taking these powers themselves. As a matter of fact, the Chartered Accountants Institute wanted that this also should be in the Chartered Accountants Act so that those who are accepted by Government in consultation with Council.....

Shri A. M. Thomas: The evidence only states that if the Government is anxious to have that power, then the Chartered Accountants Act may be amended.

Shri C. R. Narasimhan: On a point of explanation, the hon. Minister himself said at the beginning of his speech that the Chartered Accountants Institute agreed only after protracted negotiations, and that itself shows that the Institute was not very eager about this.

Shri M. C. Shah: I never said that they were eager about it. We wanted to have the powers as specified in section 225(i)B. The Government considered this and thought that it is absolutely necessary. When they discussed this with us, they stated that it would be better to have it in

[Shri M. C. Shah]

the Chartered Accountants Act. As a matter of fact, what are we doing? Today the Council has the power to accept similar qualifications obtaining outside India. We only insert the words "Central Government" so that there may be concurrent powers. Shri Thomas states that there must be some assurance from Government. When I introduced the Bill, I stated that I need hardly add that Government would not of course use this power regardless of the nature of the qualifications or the suitability of recognition. They will, as a matter of practice, consult the Institute before granting recognition to any foreign qualifications under this provision. Therefore, I do not think there can be any objection to this provision.

My friend, Shri Gurupadaswamy, has tried to speak on behalf of some society—the Incorporated Society of Chartered Accountants. They are not recognised, and as a matter of fact, according to our information, they give these diplomas to anybody and everybdy regardless of the merits and irrespective of the professional qualifications of the individuals concerned, and at the same time they charge a certain fee. They do not look to the fact whether the individuals are competent to act as accountants. There is nothing to prevent any set of persons constituting themselves into a body of accountants but they should not do any accounting work which is statutorily required to be done by a Chartered Accountant. The Act of 1949 was passed with a view to regularise the profession of Chartered Accountants. When we discussed the Companies Bill we heard so much about independent auditors so often. The Chartered Accountants Act was passed in order to regulate all these auditors so that they may be highly qualified auditors who could do independent audit work. That is why we have provided for disciplinary action to be taken by the Council of Chartered Accountants under section 21. We want to have a very healthy and independent profession of auditors. Now they are coming forward and saying that everybody should be allowed to become a Chartered Accountant. That is what my hon. friend Shri Gurupadaswamy says. I do not think that we can accept this.

My hon. friend, Shri Nayar, spoke something about the Institute of Cost Accountants. I may inform the House that we are considering whether the Act should be amended. We have received many representations. We are considering many other points urged by many hon. Members as well as outsiders and we propose to bring a comprehensive amendment. All the other suggestions may then have to be discussed.

This amendment has got a limited purpose. Government is given concurrent powers with the Council to accept the auditors who have got similar qualifications, after examination and training outside India.

Shri V. P. Nayar: I want to ask one question. We understand the argument of the hon. Minister. But what are the facts? Could the hon. Minister tell us in what other countries there are provisions empowering Government to control in such a way and also the number of Indian auditors who are working in foreign companies so that this reciprocity may be extended.

Shri M. C. Shah: I have not got these figures as to how many Indians are practising outside India. There were negotiations by the Institute of Chartered Accountants with the United Kingdom about this reciprocity business. There are some Indians practising in certain other countries. I cannot give him the figures just now. I will supply him the figures R KUMAR A's 306 LS 8x10 14 ems 5-2 if he wants. In section 29, I have already said, there was reciprocity provision. All those negotiations are to be considered at governmental level.

The U. K. Government have already got powers under the English Companies Act similar to those we are asking for now. I do not therefore think that there is any scope for discussion about other matters.

Shri Gurupadaswamy spoke about monopoly. Really speaking, there is no monopoly. These are only regulatory powers. When there is a profession, there must be this kind of provision whenever there is misconduct. These regulatory powers are vested with the Council. There is no monopoly and it is only to have a very strong and healthy organisation of the Chartered Accountants that it was found necessary to have this Chartered Accountants Act.

Shri A. M. Thomas: In that case will the Government insist when foreigners are appointed to this profession that they should also become Members of this Institute?

Shri M. C. Shah: There are certain qualifications. All those who want to become Members can become so after following the prescribed procedure.

Shri A. M. Thomas: That is not my question. When you admit foreigners to this profession in India, will you also simultaneously see that they are also entered in the register.

Shri M. C. Shah: Certainly that is there. They will be on the register and they will also be amenable to the disciplinary jurisdiction of the Council.

I do not think that much has to be said against Shri Gurupadaswamy's amendment to refer the matter to a Select Committee. There is nothing to be referred to them. The only question is the Government having concurrent powers with the Institute. They have already got the powers and last year, they had already admitted three persons having similar qualifications obtained from outside India. I am sure that the Council and the Government will be very careful to see that there is no flooding of outsiders. They will do so only when it is absolutely necessary, when they possess similar qualifications and when they have passed a similar examination and have had similar training. Then and then only their cases will be taken into consideration and they will be admitted to the membership of the Institute of Chartered Accountants. I hope that the House will reject that motion and take up the motion for consideration.

Shri M. S. Gurupadaswamy: I want to ask a question. . .

Mr. Chairman: Hon. Members should have put all the questions in the 25 minutes he devoted to his speech.

Shri M. S. Gurupadaswamy: He did not answer.

Mr. Chairman: There is no question of answering; he has not got the figures. Is not the hon. Member satisfied?

Shri K. K. Basu: That is not the question. I would ask you. . . .

Mr. Chairman: Hon. Member wants to address this question to me when I have already disallowed it.

Shri Kamath: It is a question to the Minister through you.

Mr. Chairman: Let me put the amendment first.

The question is:

> "That the Bill be referred to a Select Committee consisting of fifteen Members, namely, Sardar Hukam Singh, Shri Hari Vishnu Kamath, Shri T. B. Vittal Rao, Shri B. Ramachandra Reddi, Shri Asoka Mehta, Shri Nemi Chandra Kasliwal, Shri C. R. Basappa, Shri A. M. Thomas, Shri Nettur P. Damodaram, Shri N. M. Lingam, Shrimati Renu Chakravartty, Shri Shankar Shantaram More, Shri U. M. Trivedi, Shri Chimanlal Chakubhai Shah, and the

[Mr. Chairman]

Mover, with instructions to report on or before the 16th November, 1955."

The motion was negatived.

Mr. Chairman: The question is:

"That the Bill further to amend the Chartered Accountants Act, 1949, be taken into consideration."

The motion was adopted.

Clause 2.—(*Amendment of Section 4 etc.*)

Mr. Chairman: There are some amendments to clause 2. Shri Jhulan Sinha and Shri S. V. Ramaswamy are not in the House. I think Shri Gandhi and Shri Narasimhan are moving their amendments.

Shri V. B. Gandhi: I beg to move:

Page 1—

for lines 8 to 12, *substitute*:

"(v) any person who has passed such other examination conducted by an authority in any place without India and completed such other training as is recognised by the Central Government or the Council as being equivalent to the examination and training prescribed for Members of the Institute."

Shri C. R. Narasimhan: I beg to move:

Page 1—

after line 16 *add*:

"provided further that in cases where the Central Government recognises any examinations and training without India, the Central Government shall have power to direct the Council to enter in its Register as members such persons only, possessing such recognised qualification, and for such limited periods, as may be specified by the Central Government:

Provided further that such further conditions as may be imposed by the Central Government shall not oust the jurisdiction of the Council over such specified persons in disciplinary matters."

Mr. Chairman: Amendments moved:

Page 1—

for lines 8 to 12, *substitute*:

"(v) any person who has passed such other examination conducted by an authority in any place without India and completed such other training as is recognised by the Central Government or the Council as being equivalent to the examination and training prescribed for Members of the Institute."

Page 1—

after line 16, *add*:

"provided further that in cases where the Central Government recognises any examinations and training without India, the Central Government shall have power to direct the Council to enter in its Register as members such persons only, possessing such recognised qualification, and for such limited periods, as may be specified by the Central Government:

Provided further that such further conditions as may be imposed by the Central Government shall not oust the jurisdiction of the Council over such specified persons in disciplinary matters."

As regards amendment No. 5, my view is that it is outside the scope of the Bill. Of course, the hon. Member may explain his view.

Shri Kamath: What about the point of order I raised regarding my hon. friend Pandit Thakur Das Bhargava's amendment?

Mr. Chairman: The amendment has not yet come up. It is the same as that of Sardar Hukam Singh.

Shri M. S. Gurupadaswamy: I consider, Sir, that my amendment which is supported by Shri S. V. Ramaswamy and Sardar Hukam Singh is not out of order. Now, under this Bill power is given to the Central Government to give recognition to foreign qualifications. When we are amending this particular provision, I say that the Government may also consider the question of giving recognition to those persons who are members of the Society of Incorporated Accountants and Auditors of India. When we are giving power to the Central Government to confer recognition to foreigners, why not we say that the same power may be given....

Mr. Chairman: It is not as if the amendment is not relevant. Anything connected with this is relevant. But, the question is whether this amendment will be within the scope of this Bill. That is the point at issue, and that was the point of order raised by the hon. Member.

Shri C. R. Narasimhan: Is the hon. Member making a speech?

Shri K. K. Basu: It is not for you to say that. It is for the Chair to point out that.

Shri M. S. Gurupadaswamy: This Bill seems to amend section 4 of the Chartered Accountants Act, 1949. When this section is being amended, are we not in order to suggest any other amendment to that section.

Shri V. P. Nayar: No, no.

Mr. Chairman: Does the hon. Member want to say anything else?

Sardar Hukam Singh (Kapurthala—Bhatinda): Sir, I may also add a word to what has been said by Shri M. S. Gurupadaswamy.. We are now amending section 4 of the Act wherein only the Institute has got the power to enrol as members those persons who qualify in the test that they hold. Now, the power is being extended and the Government is taking that power. By the amendment now proposed the Government can also include in the same register persons who are qualified if their qualifications come up to the standard and equivalent to what is held by the Institute itself. Our amendment only says that when we are widening the scope of this section 4,—the amendment that has been brought forward by the Government widens the scope of section 4 of the Act—why not enlarge the scope of the same section. It is not a different section which we are seeking to amend; it is the same section. We say that not only should the Government have the power to allow certain other persons to become members if they have got the requisite qualifications, but also that some other persons who may be found qualified and have equivalent qualifications should also be allowed to be entered on the same register. Therefore, this Bill contemplates enlargement of the scope of the amending Bill. The ment also says that the scope must be further extended so that other cases also may be covered. In that respect this amendment should not be held as *ultra vires* or beyond the scope of the amending Bill. The clause is the same and amendment we are discussing is of the same type as the amendment that has been brought forward by the Government. Therefore, in all respects, I should submit that this amendment is within the scope of the Bill that is before the House because it seeks to amend the same section.

Shri M. C. Shah: We are only just amending clause (v) of sub-section (1) of section 4 of the Chartered Accountants Act, 1949. Here, in this amendment they want to add another sub-clause (a) and that amounts to widening the scope of the Bill.

An Hon. Member: How?

Sardar Hukam Singh: But, we seek to amend the same section.

Mr. Chairman: Let him first of all finish and then you can ask him "how?"

Shri M. C. Shah: We are only amending clause (v) and we are not amending the whole section 4, whereas you want to insert another sub-clause (a).

Mr. Chairman: The addition is not of such a nature as the addition cannot be made to clause (v) itself. They really want to add it to clause (v).

Shri M. C. Shah: They want to add —it is like this:

Page 1, line 5—

after "Chartered Accountants Act, 1949" *insert*:

"(a) in clause (ii) of sub-section (1) after the word "Institute" the following shall be added, namely:—

"or any person who is an Incorporated Accountant being a member of the Society of Incorporated Accountants and Auditors of India; and (b)".

Therefore, they want to add another set of persons to be entitled to come under the Chartered Accountants Act and that is not the intention of the Bill.

Shri C. R. Narasimhan: Unless several other consequential amendments are brought forward this may become incomplete.

Mr. Chairman: Once the substantial amendment is passed, consequential amendments are bound to follow.

Shri C. R. Narasimhan: That will have to be done in the original Act.

Mr. Chairman: I have considered the question and I think this amendment is out of order.

Shri K. K. Basu: The amendment on this clause?

Mr. Chairman: What does the hon Member mean?

Shri K. K. Basu: Are you giving your decision on this amendment of this clause? I have got a submission to make.

Mr. Chairman: The hon. Member ought to have risen before if he had something to say. Now, it is too late.

Shri K. K. Basu: I have no objection to raise nor have any submission to make about the admissibility of the amendment. I wanted to speak on clause 2 of the Bill regarding the amendment of section 4.

Mr. Chairman: It seems the hon. Member is not attending to what is going on. We are only considering now whether the amendment of Sardar Hukam Singh is in order. After that point is decided, then the question of clauses etc. will arise.

Shri V. P. Nayar: We are racing against time.

Mr. Chairman: Of course, the hon. Member is racing against time and also trying to see that there is some delay in the proceedings by interfering.

With regard to the question whether this amendment is in order, after going through the Statement of Objects and Reasons, I am convinced that the real point of amendment by the Government is whether the Central Government should be allowed the power along with the Council to recognise certain examinations, trainings etc., and they want it on the basis of reciprocity. It is not that they want to extend the entire scope of the Bill or the section concerned for recognising certain examinations in India. The amendments by Sardar Hukam Singh are: one to add the words "within or" and the other amendment is that members of a certain society as such may be allowed to practise as Chartered Accountants. I think this is clear

beyond the scope of the Bill and therefore I disallow him.

Shri M. S. Gurupadaswamy: Are you disallowing both?

Mr. Chairman: I have dealt with both.

Shri V. B. Gandhi: I would have preferred to have a few minutes on this Bill during the course of the general debate. In that case I would, perhaps, not have pressed this amendment of mine. However, I shall now read my amendment:

Page 1—

for lines 8 to 12, *substitute*:

"(v) any person who has passed such other examination conducted by an authority in any place without India and completed such other training as is recognised by the Central Government or the Council as being equivalent to the examination and training prescribed for Members of the Institute."

The reason or the occasion for this amendment is that many of us entertained a fear that on the passing of this Bill as it is worded, a number of persons in India today who are qualified and who are actually practising the profession of auditors will be disqualified. That was the fear many of us had in mind and we are particularly referring to those persons who have passed an examination conducted by the Association of Certified and Incorporated Accountants, London. This Association used to conduct examinations simultaneously in India and in England. Now, those persons who passed this examination in India and who had acquired the requisite training to qualify to practise as auditors have been practising as auditors and have been recognised as qualified persons.

But, now, we feel that if this Bill is passed as it is worded, it would have the effect that Englishmen who ppeared for this examination in ndon and acquired their training in ondon would be eligible to be recognised as qualified persons to practise in India, whereas Indians who have passed the same examination and who have acquired training and other requisite qualifications in India, who have been practising, would perhaps be debarred from continuing to practise. That would be a kind of hardship and an injustice on a small number of people. As it happens there are only about seventy such qualified persons today in this country out of whom perhaps thirty are actually practising. It is with the object of avoiding any hardship or any injustice to these men—of course unintentionally this injustice and hardship would come to them—that this amendment has been moved.

However, I have since been informed from sources which I am prepared to consider authoritative, that such a hardship would not be involved to these people and that the Bill, if it is passed as it is, would still make it possible for these men to make representations to Government and to get their qualifications recognised as equivalent to those necessary to get them enrolled in the membership of the Institute. In fact, if I had sufficient time to give notice, I would have worded my amendment a little more clearly, somewhat like this:

"Any person who has passed such other examination conducted by an authority in any place without India and completed such other training as is recognised by the Central Government as being equivalent to the examination and training prescribed for members of the Institute."

In short, my plea is that whatever we do to recognize foreigners and their qualifications in India should not lead even indirectly or unintentionally to a position where Indians who are holding qualifications which are recognised both in India and England should become disqualified.

Shri C. R. Narasimhan: When the Finance Minister wound up the

[Shri C. R. Narasimhan]

debate on the Companies Bill, he used two expressions which I wish to use now, with his permission—they are not copyright, I think. His first expression was "cut and dried views" and the other was "open mind". In this particular case, I am afraid the former is very much in existence and the latter is somewhat missing and as for Mr. Shah, I am sorry I have to mention his name and not his designation, he said that Government would see that when foreigners are admitted, it will be only limited to the requirements of the case. But they are taking unlimited power, though the purpose is limited. He said that this section was only for a limited purpose, but the power they are taking is unlimited. Under that power, Government can say that such and such a qualification will be suitable. In that way several persons in several countries may get eligible to be included in the register without the same thing happening for our boys, or our men in that country.

Mr. Chairman: There is a proviso under which they can certainly impose certain conditions.

Shri C. R. Narasimhan: That is the objective, not the law, I think.

Mr. Chairman: In the clause itself there is a proviso.

Shri M. C. Shah: We have only added the "Central Government". Today these powers are exercised by council alone; hereafter these powers will be exercised by the Government as well as the council.

Shri C. R. Narasimhan: I am not disputing the need of the provision. All that I am saying is that where a penknife will do, they are utilising a sword.

Shri M. C. Shah: We are using only the pen-knife.

Shri C. R. Narasimhan: Though that is not a nice way of putting things in this august House.

The Minister of Finance (Shri C. D. Deshmukh): We are only having a double-bladed pen-knife.

Shri C. R. Narasimhan: What I submit is that the provision should be such that specified persons are given the power, specified qualifications are also added as additional requirements. The extent of this concession should be limited to a specific period. While we have an independent Chartered Accountants' Institute, we should not create another parallel body. That will not be conducive to its good working, especially after that body has done its work fairly well, and even the Report of the Committee on Company Law has given due recognition to its work, and hope is entertained of its functioning equally well in the future.

Another thing is that there is no safeguard in the provision. Supposing a large number of Americans, Germans and others become eligible —how are we to know the limit? It is better to specify everything. As for the Institute having agreed at one stage, it is common knowledge that that institute is now defunct: a new body has come. Apart from that several auditors have written letters in various newspapers protesting against the proposed Bill and as the House knows, I was asked to present a petition here. So the auditors' world does not approve of this. They think that the power should be limited and used guardedly, and that Government are unnecessarily taking more power, when an independent body is exercising those powers. In fact, Government are unnecessarily interfering, which is not good. My amendment will not in any way come in the way of Government. All that I say is that Government can authorise specific persons, with specific qualifications for specific periods. Such persons can be nominated by Government. In my humble opinion that would be preferable to the unlimited power that Government are

wishing to take over this small matter. Finally when Government gets the powers to include men in the register, it might be possible for its being interpreted that they can also withdraw it.

Then again if foreigners function here as auditors, they may have one set of conventions; the conventions prescribed by the Institute may be very different. For this purpose the undisputed power of the statutory institute to control and maintain discipline should be there. I am afraid it will not be there if Government take the power to include men in the list, because those whom they can include, they can as well remove. That would give them the power which they do not have now. I commend my amendment for the acceptance of the House.

Shri K. K. Basu: I did not want to participate in this discussion earlier, but after hearing the hon. Minister I felt that he had not made out a case for the amendment proposed in the Bill. We have been told of the principle of reciprocity. Theoretically the position is very good. But we have not been supplied full facts to convince us of the necessity of our having these foreign qualified persons.

In the original Act there is a provision that Indian nationals who might have been undergoing training in England or any other country should be qualified here. We suggest that in the case of any Indian national qualified outside, if the Government so think that that qualification is similar to that of ours, he might be allowed to practise under our register. The amendment suggested by Government creates a lot of apprehension in our mind. The Government have sought to take powers in this respect. But no facts have yet been given to us. In reply to a question put by my friend Shri V. P. Nayar, the hon. Minister said he did not have facts. May I draw the attention of the hon. Minister to the existence of many British auditor firms in Calcutta? Now, many of them are not bringing young Englishmen as auditors in recent times. Now, after this Bill is passed, they will bring a lot of junior auditors from their own country. Our Finance Minister says that he wants foreign capital to help our industries. But I do not know whether he wants foreign personnel to do the auditing work also in this country. Therefore, I want to know what justification have the Government got to bring forward this measure, especially when no facts were furnished to the House so that the House can study them and then decide whether it should agree to this Bill or not. I oppose this provision, and say that the House should not allow it to be included in the statute unless the Government fully justifies its intention by giving us proper facts. The danger is that the Indian nationals will be thrown out and we will be flooded with foreign nationals, especially in those areas where we have the foreign industries and foreign auditor firms. In the last few years the foreign auditor firms were not bringing in their own nationals, but after this amendment is passed, they will bring in their own personnel to the detriment of our own nationals who are working in many areas.

Shri M. C. Shah: I think the fears expressed by my friend Shri Basu are unfounded. As I said earlier, the Council has got powers to recognise similar qualifications and to have those people possessing qualifications and passing examinations conducted elsewhere enrolled as members of the Institute of Chartered Accountants of India. Last year, the Council enrolled three such people, and as a matter of fact, in the United Kingdom there is such a provision. As I have said, in certain countries like Africa, Indians are practising as chartered accountants and auditors. There is also the reciprocity clause—section 29—in the Chartered Accountants Act, 1949. Shri C. R. Narasimhan said that when those accountants come here, they will not conform to the rules of

[Shri M. C. Shah]

the Council of the Institute of Chartered Accountants or to the rules of the Chartered Accountants Association. When they come here and are enrolled as memebrs on the registers maintained by the Institute of Chartered Accountants, they will come under the disciplinary restrictions of the Council of the Institute. If the hon. Member looks to sections 15 and 21, he will find that members on the rolls of the Institute of Chartered Accountants are amenable to all disciplinary actions that can be taken under the Act if there is any misbehaviour or misconduct or anything of that sort.

My friend Shri Basu said that there will be so many foreign nationals coming in or that the Government will be allowing so many foreigners to come here as auditors. That is only the usual propaganda. As a matter of fact, when we passed the existing Chartered Accountants Act, we had in mind the idea of promoting a healthy and independent growth of chartered accountants. We wanted to have a central institute. The Institute is almost an autonomous body and it wants to have more and more qualified and good chartered accountants. The attitude of the Government of India has been always to encourage the healthy growth of the chartered accountants and to have as many qualified chartered accountants as possible, in India. Therefore, Shri Basu should not raise the question that the intention of the Government is to bring in foreigners. As a matter of fact, we have always encouraged the Institute. The Institute is practically an autonomous body and we always encourage the union of chartered accountants. We wish that in the near future, all the auditors and accountants should be Indians and Indians alone, but during the transitional period, when there is necessity and when there are circumstances where some foreigners with similar qualifications, who have passed similar examinations and who have undergone the same training in another country, we propose to allow them to come here on a reciprocity basis. That also will be done only in consultation with the Council of the Institute of Chartered Accountants. Therefore, there is no charge whatsoever of bringing in foreigners. There is no fear, either, of there being an infilteration of auditors into India from foreign countries. That is far from the truth.

Shri K. K. Basu: But the hon. Minister said.

Mr. Chairman: The hon. Member has already had his say. He should not interrupt now. Then there will be no end.

Shri K. K. Basu: I wanted to know.....

Mr. Chairman: Order, order. The rules of debate must be observed. The hon. Member had his own time for the speech. Now, the Minister has been replying. There is no point in interrupting now. I do not propose to allow you to speak now. Now, I think the hon. Minister has finished his reply.

Shri M. C. Shah: Yes.

Mr. Chairman: I shall now put the amendments to vote.

The question is:

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for lines 8 to 12, *substitute*:

"(v) any person who has passed such other examination conducted by an authority in any place without India and completed such other training as is recognised by the Central Government or the Council as being equivalent to the examination and training prescribed for Members of the Institute".

The motion was negatived.

Mr. Chairman: The question is:

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after line 16, *add*:

"Provided further that in cases where the Central Government recognises any examinations and training without India, the Central Government shall have power to direct the Council to enter in its Register as members such persons only, possessing such recognised qualifications, and for such limited periods, as may be specified by the Central Government:

Provided further that such further conditions as may be imposed by the Central Government shall not oust the jurisdiction of the Council over such specified persons in disciplinary matters".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri M. C. Shah: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

MOTIONS RE: DISPLACED PERSONS COMPENSATION AND REHABILITATION RULES

Mr. Chairman: Before the motions regarding the Displaced Persons Compensation and Rehabilitation Rules are moved, I am just to invite the attention of the Members to the fact that five hours have been fixed for general discussion. Hon. Members who wish to move any motions will kindly hand over the numbers of their motions to the Secretary at the Table within 15 minutes. The fifteen minutes will count from now.

Shrimati Sucheta Kripalani (New Delhi): We do not know which of the motions are to be moved while the Minister delivers his speech.

Mr. Chairman: The Minister has also to move his motion in the same way as the Members. There is no difference here.

Sardar Hukam Singh (Kapurthala—Bhatinda): As we have general discussion for five hours, the discussion may extend to tomorrow. Therefore, would it not be permissible to hand over our amendments by tomorrow or, say, by this evening?

Mr. Chairman: The practice is this. Even if the amendments are given today, they will come tomorrow in due course. If the amendments are valid today, they will be in order tomorrow also. Many hon. Members have already given notices of their amendments. Others who have not done so will have only to find out what amendments they would like to table, so that they also can send in their amendments now. Of course, those amendments for which notice is given today shall not be out of order if they are not taken up today, because there will be time tomorrow also.

Lala Achint Ram (Hissar): What is the harm if those amendments which are going to be discussed the day after tomorrow are discussed tomorrow?

Mr. Chairman: That is a hypothetical question. Some amendments come in earlier and the discussion goes on. Some amendments come in later, but then the discussion will go on till the time allotted for it is over.

Lala Achint Ram: How many amendments can be taken up the day after?

Mr. Chairman: It is very difficult to say. At the same time, the hon. Member will realise that if a Member wants to give any notice of amendment, then, unless the whole House knows what the amendment is, the discussion will not be complete and full.

Lala Achint Ram: The amendments may be circulated to Members tomorrow night and they will come up the day after tomorrow.

Mr. Chairman: The point is this. We are now going to have the general discussion and tomorrow it will continue with all the amendments that may be moved. I propose to announce today all the amendments that are going to be moved and any Member who wants to put in new amendments will take a chance after the general discussion, when the amendments are taken up. Practically, the entire set of amendments is taken up and only such amendments as are pressed will be put to the vote of the House. So, the amendments will be discussed tomorrow and the day after, but unless a Member gives notice of the amendments at least by tomorrow, it will be difficult for all the Members to realise what the new amendments are, or how they will be discussed. In order to have full discussion, it is better that notices of amendments are given as soon as possible, at any rate before we start the discussion on the amendments themselves.

Shri Nand Lal Sharma (Sikar): Do I understand that the amendments are to be given after the general discussion is over?

Mr. Chairman: Definitely not. Within 15 minutes the numbers of the amendments should be given to the Secretary at the Table. Supposing a Member has given a new amendment today, then it will be in order, according to the rules, to move that amendment tomorrow. I am not ruling that out. But those Members who have already given notice of their amendments can very well indicate now what amendments they propose to move, so that the hon. Minister may know what he has to meet.

Shri N. C. Chatterjee (Hooghly): The only point I wish to submit is this. After the Minister's speech, we shall know exactly which amendments we should press and on which amendments we should not take up the time of the House by dilating upon them. If you give us 15 minutes or half an hour after the Minister's speech, we shall be in a better position to know which amendments we should press. Otherwise, if you say that we should give them within 15 minutes, naturally all the amendments will have to be moved.

Mr. Chairman: I for one do not propose to ask the hon. Minister to make a speech now and take away some time. I have already received a very long list and many people want to be accommodated. Unless the hon. Minister so desires, I do not propose to call upon him to make a speech at the first stage.

Shri N. C. Chatterjee: I thought the Minister's speech would clarify the position better. If we know exactly whether the Minister is sticking to the position as it is or whether he is going to make any gesture in response to public demand, we would be in a better position to decide about our amendments; that might cut short our speeches.

Mr. Chairman: There are two ways of thinking in this matter. It can also be argued that the hon. Minister may show some responsiveness after the criticism is over; he may be able to make up his mind as to which amendments he should accept and which he should reject. If at that stage he does not respond to the speeches of hon. Members, they will have a right to complain. I am entirely in the hands of the House. If the hon. Minister wants to speak or if hon. Members request him to speak, I have no objection. But at the same time

I do not want to force him to make a speech at this stage.

Shri N. B. Chowdhury (Ghotal): If the hon. Minister speaks after some Members have spoken it would be better.

Mr. Chairman: I think if the Minister replies to the general discussion after the Members have spoken, that will be the proper time when he can indicate whether he is going to accept any of the principles which form the subject-matter of the speeches of the hon. Members. This may be utilised by the Members also in this way. After the hon. Minister has indicated what he is going to accept, these amendments may not be moved. But at this stage, it will be better if hon. Members impress the Minister with their speeches.

Shri N. C. Chatterjee: If he is impressible.

Mr. Chairman: Let us hope he is very impressible.

Lala Achint Ram: What about those who have not given their names?

Mr. Chairman: I have indicated so many times that those Members who have not given their names will not be debarred. They are as good prospective speakers as those who have given their names. There are a large number of speakers and I want to know the sense of the House as to the limit of time that any Member can take. Should we limit the speeches from 10 minutes to 15 minutes or from 15 minutes to 20 minutes? I will fix the time just as hon. Members choose. The total time for the general discussion is 5 hours and if we give 20 minutes to each speaker, only 15 Members can be accommodated.

Shri G. H. Deshpande (Nasik Central): As usual, 15 minutes can be given to every Member, so that a large number of Members can take part in the discussion.

Mr. Chairman: I think it is generally agreed that 15 minutes may be given to each speaker.

Shrimati Sucheta Kripalani: I hope the general discussion will go on till tomorrow.

Mr. Chairman: Certainly. We have allotted 5 hours for it and we started only about 10 minutes back.

Shri Barman (North Bengal—Reserved—Sch. Castes): The rules are there but we do not know the exact position of the refugees—the number of houses allotted, the amount of compensation given and so on. Simply the printed rules are there, but we do not know any of the facts as to how the Department is functioning. Therefore, is it not better that the Minister gives us some facts, so that we can speak on them?

Mr. Chairman: In regard to all the discussions in this House, it happens that all the Members do not know the full details of the working of the Departments. Therefore, it is for the hon. Minister to circulate such information as he chooses, so that Members may be able to take an intelligent interest in what is taking place in the House. The demand is quite fair, but at the same time, it is the duty of the hon. Members themselves to put questions and find out information, if none is circulated. I should think it would be better if, before the hon. Minister gives his reply, he acquaints the Members with the broad facts of the case giving certain details. I would expect by tomorrow the hon. Minister, if he so likes, may furnish all the information that he has in his possession as regards details etc., so that Members may be able to appreciate the entire tenor of the rules, at the time the discussion of the rules takes place.

Shri Gidwani (Thana): Shri Mehr Chand Khanna, while announcing the scheme of final compensation, has issued a public statement in which he has said that in July, 1949, the late Shri Gopalaswami Ayyangar gave an assurance on behalf of the Government of India that displaced persons

[Shri Gidwani]

would be given compensation for the properties left behind by them in West Pakistan. This assurance has been reiterated by Government on several occasions subsequently. I shall place certain facts before the House as to what Shri Gopalaswami Ayyangar actually said. He had said in that conference that "compensation will be paid partly in cash, partly in kind and partly in some kind of bonds." I want to emphasise the point of bonds. Another conference was held in 1950. In that conference only three non-officials were present and I was one of them, Shri Mehr Chand Khanna was then Adviser to the Ministry of Rehabilitation. When the question of compensation was raised in that conference, Shri Gopalaswami Ayyangar said, "we shall give you compensation .."—he devised a formula X, Y, Z about the quantum of compensation; and he said.." ..X will be the value of the property left by Muslims in India; Y will be the difference between the values of properties left by Muslims in India and Hindus and Sikhs in Pakistan; and Z will be the Government contribution." We said, "X is quite all right. About Y, we need not expect a pie from Pakistan. About Z, supposing you give us Rs. 2 lakhs, or Rs. 5 lakhs or even Rs. 5 crores, will that be called Government contribution?" Then he elaborated that point and said. "it would be a substantial amount which shall not dissatisfy the displaced persons." These are his very words and I think they are part of the minutes which are with the Government. I may add further that at that time it was practically understood that the Muslim evacuee property left in India would bring about Rs. 250 crores. That was the amount which was to be realised from that item. Then there is the substantial conrtibution from the Government of India which shall not dissatisfy the displaced persons. These two points are to be remembered when we are considering this compensation scheme. You know the total amount supposed to be in the evacuee pool will be about Rs. 185 crores. Out of that, Rs. 35 crores are in the shape of loans advanced to displaced persons—either State loans or R.F.A. loans—and the remaining Rs. 150 crores are in the shape of property, whether Government-built property or evacuee property. We are being paid compensation not on the basis, I would say, on which we were expecting that we will be paid. I do not want to repeat and waste the time of the House. A sum of Rs. 35 crores advanced as loan is to be adjusted. I would go further and say this. When this Displaced Persons (Compensation and Rehabilitation) Act was passed, the Joint Committee presided over by our Chairman Pandit Thakur Das Bhargava recommended like this:

3 P.M.

> "The Committee are not suggesting any specific amendment of this clause as the clause as worded is capable of yielding results which the Committee desire to see achieved. Various Associations and bodies made representations before the Committee, but, however differing in other matters, they all were unanimous in their demand that the compensation pool be considerably enhanced. All claimed hundred per cent. compensation and suggested that the same be secured from Pakistan Government or evacuee property, or by contribution from Government. Anyhow most of them insistently suggested that at least the sum of the present estimate of Rs. 185 crores should be underwritten by the Government to start with. They expressed their doubts that this estimate about the value of the evacuee property and receipts from Government investments would ever come up to this sum. They further suggested that the urban refugees should not be discriminated against by their not being paid the amount of 66 per

cent. of their claims like the rural displaced persons.

I may inform the House that there are buildings and agricultural land. The agriculturists in the Punjab have, in totality, been given 60 per cent. of their claims left in Pakistan. This is what this sentence means. The urban claimants who have left immovable property in Pakistan should be paid up to that percentage.

Then, the report says:

> "The Committee was, however given to know that this figure of 66 per cent. was not accurate. Another suggestion was that the amount be raised at least to 50 per cent. of the amount of urban property claims which were roughly estimated to be Rs. 450 crores if the compensation was to be worth the name. It was further pointed out that the compensation was being paid after 7 years and some claimants would get it after 10 years and that the immovable properties were only assessed whereas the movable property left in Pakistan by displaced persons was several times in value for which no compensation was being paid."

I would also like to bring to the notice of the House that this claim is only for immovable property. Crores of rupees worth of movable properties have been left behind. For that, no claims were entertained, nor were claims invited. Nor is it claimed although our Association is demanding it. Further:

> "The Committee have given anxious thought to these suggestions and representations and while appreciating that the Government has remarkable achievement to its credit in the matter of relief and rehabilitation of such a large number of displaced persons in various ways, the details of which are enumerated in the pamphlet on Interim compensation issued by the Ministry of Rehabilitation, the Committee feel that the suggestion for increasing the amount of compensation to 50 per cent. of the urban verified claims which in their view is neither unreasonable nor excessive, deserves the serious attention of the Government and the Committee strongly and unhesitatingly recommend that Government should make further substantial contribution to the compensation pool in the manner they think best."

On this Committee, there were 51 Members of all parties, majority of whom were congressmen. Two Ministers, Shri A. P. Jain, the former Minister of Rehabilitation and Shri J. K. Bhonsle the Deputy Minister, were also Members of that Committee which has made this recommendation. Unless this recommendation is accepted and more money is provided, in my opinion, the scheme will not be successful. Already so many years have passed. We are now in the eighth year. If the scheme is to be worked on the present basis, with the present amount of money, on the basis of the present scheme, many of the claimants who have not received any benefits from the Government will have to wait for a number of years before they can get any compensation. This is one thing that I want to emphasise. The time at my disposal is short. Members should realise that if we want to give compensation and also by way of rehabilitation, the sooner we thought of it the better. I wish the hon. Shri C. D. Deshmukh were here. I would have appealed to him that we are spending so many crores, this is also nation-building in the sense that we are going to rehabilitate people, either Rs. 50 or 60 crores should be given as Government contribution to the pool or in any case that amount must be made available to the Minister to start with the scheme in full, or at least to carry on his scheme as speedily as possible. That is one aspect of the question.

The second point that I wish to take up is this. There are four kinds

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of properties. Three are housing properties, shops and industrial concerns: three in the sense housing properties, shops are industrial concerns in what are called urban areas, shops and houses in what are called rural areas, shops and houses to those who have been allotted agricultural land and not so much shops, but houses to those with agricultural land. Then, there are agricultural lands. These are the four categories of properties which the claimants possessed in Pakistan. As regards urban properties, a schedule has been laid down. Any urban property owner gets his claim according to the scale in urban property or where he has got agricultural land, he gets his full scale according to the schedule. But, in the case of the rural property owners, there are various distinctions. I wish the Minister had spoken. We would have known if there were any changes. Therefore, if the present rules apply in the case of rural property owners, a great injustice would be done. While in the case of urban property owners, they get the full value according to the scale, in the case of the rural property owner, in certain categories, if he does not go to C class colonies, if he does not want to shift himself to the rural areas, he will get half of his claim, not the claim, but the verified amount which is to be given to him as compensation. Supposing I belong to Karachi and in Karachi my house is valued at Rs. 10,000, my claim is Rs. 4,000. I get Rs. 4,000. Suppose I was in Malli or in another place which was an urban area and which has been declared to be a rural area, and my property is worth Rs. 10,000, my claim is Rs. 4,000, but, as I happen to be a ruralite, I get Rs. 2,000. That is one discrimination.

There is another discrimination also which is affecting equally large number of people. If I am an urbanite, if I have got urban property as well as agricultural property, I get my claim for urban property according to the schedule and I get my for agricultural property. But, in the case of a ruralite, if he gets property in the rural areas, if he has claim to agricultural land for which he has been given less than four acres of land, if his rural housing property was worth Rs. 9,999, he gets zero. Not only that. He will only get compensation if the property is valued Rs. 10,000. even if he has five or 8 properties worth 8 multiplied by 9999,—it may go up to Rs. 80,000, he will not get anything for his rural house because one house is not worth Rs. 10,000. Similarly, if a person has been granted 4 acres or more and has rural house claim is Rs. 19,999, he gets zero. Even if he has 10 properties worth Rs. 2 lakhs, but not any one over Rs. 20,000, he still gets zero. This has worked a great hardship, as you can obviously see.

Mr. Chairman: May I remind the hon. Member that this aspect which calls discrimination is part of an Act which was passed by this House. This House empowered the Government to indicate the classes of properties in respect of which so far as rural areas are concerned, compensation could be paid. That Act being yet in force, if he spends some of his time over that aspect, I think he will not be utilising his time very well. Taking the Act as it is—the Act has not been repealed—it will be better for him to argue his case on the basis that the Act is there. That Act cannot be ignored. I will, therefore, request the hon. Member not to ignor that Act and therefore, I would request him to base his arguments on that Act. It is futile now to criticise that Act at this stage. Either the Act should be amended and there should be an amendment, or, if there is no amendment, the arguments should proceed on the basis of that Act. What is the use of criticising an Act which is in force, which is not sought to be amended by anybody?

Sardar Hukam Singh: But the Act authorised the Government to make

such revision and other things, not that they could provide that the.....

Mr. Chairman: The Act only empowered Government, as I indicated, to indicate the classes of property in respect of which compensation could be claimed.

Sardar Hukam Singh: Quite right.

Mr. Chairman: On the basis of that notification, the whole of the claims have been verified. The claims were made on that basis. Now it is three or four years since the claims were made and they were got verified by the officers etc. Now to criticise that Act will hardly bring any fruitful results. The notification, if faulty, may be contested.

Shri Gidwani: In certain cases the claims were actually verified

Shri Nand Lal Sharma: That only provided for the classification of property, but not for the limit to be paid or not to be paid, that is Rs. 10,000 or Rs. 20,000 that is laid down in the rules.

Mr. Chairman: Does it not constitute a class by itself? That constitutes a class of persons. Otherwise, what is the meaning of the word "class"? The Act, however, speaks of class of property.

Sardar Hukam Singh: As a class by itself it is not necessary for the Government to stipulate that this class shall be given half the value of the claim if they get property in such and such an area. It is not essential for them. They can also say that this class will be treated just as the other classes are being treated, because already in assessment of their claims all these things have been taken into consideration as the property was in the rural area, and therefore the value of the property, the value of the plot, the value of the structure over it had already been diminished and brought to a level where certainly it could get a fair compensation.

Mr. Chairman: I am not suggesting that so far as the housing question is concerned, it should not be brought in or should not be criticised. All that I say is so far as that Act is concerned, it is yet in force. It empowered the Government to indicate the classes of property. It is useless to criticise that Act now since the Act is yet in force. All the other criticism the hon. Member, can make about class of persons etc. He may even criticise the Act. I am only indicating that the time is very limited. Already 15 minutes are over, but I have taken three or four minutes in suggesting this. Therefore I am not taking the time into consideration. Therefore, I suggest he may utilise his time better than in criticising the Act which cannot be amended now.

Shri Gidwani: Then there is a class of agriculturists who have been given land on lease and who are not allotted land in lieu of their property left in Pakistan. Even their claims for rural houses have been rejected. I will read out a letter which has been given to me by a Mamlatdar only today in which the Tehsildar admits that the land was given on patta basis, on lease basis, which he has written yesterday. It reads.

> "This is to inform you with reference to your letter No. Nil dated 10th September that the land which has been settled upon you according to the Government V. P. order was a Government fallow land. No allotment has been made to you from the Evacuee property."

Non-evacuee land given for one year on lease or patta basis, even in that case the claims were rejected by the Claims Officer, and when they appealed against the decision, this is what the Claims Commissioner has written:

> "This claim has been rejected by the learned Calims Officer, Shri....on a misunderstanding. The claimant has not been allotted any agricultural land. He has simply been allotted land on a Patta for cultivation. He has not been allotted any agricultural

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land on quasi permanent basis... Grant of land on a Patta for cultivation does not debar claim for houses in rural area.

Revision is accepted and the order or rejection is set aside. I should have verified the claim myself, but the original claim file is not with me, therefore the file is sent to the Chief Claims Commissioner with the remarks that the original file be enclosed and sent to me or any other claims officer for verification."

(Sd.) Bhagat Ram Chaudhury,
Claims Commissioner,
Jullundur,
Camp at Lucknow.

I took this case myself. There are about 80 people. I took them to the Chief Claims Commissioner, but he says the orders are in respect of land allotted in any form. Whether it is patta or on a quasi-permanent basis, a man to whom any land is allotted in any form is debarred from having any claim for verification.

Mr. Chairman: The words of the notification are not these. The words of the notification are: "allotment temporary or quasi-permanent." This is a mere lease. There will be no temporary allotment so far as mere lease is concerned.

Shri Gidwani: But I am telling you their claims are not yet verified. They were verified, but were subsequently rejected, and they were for rural houses.

Mr. Chairman: Were they taken in revision to higher authorities?

Shri Gidwani: Yes, they were taken to revision. But in revision he said that he had no claim papers with him. So he did not assess their claims, but subsequently their claims were rejected.

This is one class of people. There are other classes of people who were living in camps in the beginning. The camp population was growing. Government, with a view to provide work for them and also gainful occupation, removed them from those camps to certain areas and gave them agricultural land. That was called rural rehabilitation, and those people have been there for the last six, seven, eight years. Their claims for rural property were also rejected on the same ground, and it was stated that as they have been allotted land, their claims could not be verified. Some of them did not file their claims. Here I have got a copy of the order of the Government. This is the notification of the Rehabilitation Ministry published in the Gazette of India dated 15th September, 1950 which says:

"Any other immovable property in West Pakistan comprising of a building situated in an area other than an urban area:

Provided that where the person making the claim has been allotted any agricultural land in India.

(a) Where the agricultural land so allotted exceeds 4 acres the value of the building in respect of which the claim is made shall not, according to the present estimated cost of construction, be less than Rs. 20,000. Where the agricultural land is less than four acres, the cost of construction should not be less than Rs. 10,000."

These people were given to understand that they could not file their claims because they had been allotted land, and those who filed were rejected. These people do not have any capital, because they were not agriculturists in Pakistan. They were non-agriculturists. They were given land as rehabilitation benefit. Now they are being asked to pay the amount of the land and also return the taccavi loan and their claims have been rejected. So, this is a very anomalous position, and they do not know where they stand, and it would be a very hard job for the Govern-

ent to get money out of them cause they have no money. They ve been given eight acres or so of arani land, in Alwar etc. They have een given the other land also, but their claims require to be re-considered, at least their claims for rural housing. If there is any scheme to rehabilitate them, that is a different matter, but their claims for rural houses should be re-verified and in the case of those who did not file their claims, their claims should be taken into consideration.

There is another discrimination. Even under the present rules it has been provided that if agricultural land is allotted to any person and if he does not accept the allotment, his claim is deemed to have been satisfied, while in the case of urban property, if a person is living in an allottable house but does not accept the allotment, it is not said that his claim is deemed to have been satisfied, but that it will be taken up after a certain period. The same rule should apply to the other case also. Why should we think that the rural people are people of no value. Is it because they have no voice, no influence? I do not know what it is. In the socialistic pattern of society which we claim to establish it is the rural people, the poorer people whose claims should deserve more consideration.

I have raised only two points—compensation and this. There is a third thing also. We must expedite payment of compensation, and for that, if necessary, we should overhaul the administration and see that not a single person who has any rightful claim is debarred from his claim on account of any technical grounds. Five thousnd cases were rejected *ex-parte*—four thousand have been taken up. One thousand still remain to be verified on some technical grounds because the applicants did not attend on the day of hearing. If they are real claimaints you must see that every one gets his due.

श्रीमती शिवराजवती नहरू (जिला लखनऊ-मध्य) : इसमें कोई दो राय नहीं हो सकतीं कि हमारी सरकार ने शरणार्थियों को बसाने और उनकी आर्थिक दशा सुधारने के सिलसिले में जो कार्य किया है वह अत्यन्त ही प्रशंसनीय और महान कार्य था । पूर्वी और पश्चिमी पाकिस्तान से तकरीबन ८० लाख व्यक्ति हमारे देश में आए । यह ८० लाख शरणार्थी जिस मुसीबतज़दा हालत में इधर आए और जिस तरह से अपना सब कुछ बरबाद करके आए उनको एक नया जीवन प्रदान करने का काम और उत्साह देने का काम एक ऐसा काम था जो कि बहुत ही दुष्कर व कठिन और महान् था और जिस योग्यता और जिस बुद्धिमानी से गवर्नमेंट ने इस काम को अपने विशाल कंधों पर उठाया और जिस योग्यता से इसे निभाया उसकी प्रशंसा आज सारा संसार कर रहा है । यह इसी कठिन परिश्रम और बुद्धिमानी का फल है कि आज हम इस कठिन समस्या का बेड़ा एक साहिल के किनारे लगते हुए दिखाई देते हैं ।

और आज हम सब इस प्रश्न पर विचार करने के लिए इकट्ठे हुए हैं कि हम शरणार्थियों को कितना और किस प्रकार से कम्पेन्सेशन दें, जो कि न्याययुक्त हो और जिससे सभी लोग सन्तुष्ट हों और सरकार भी अपनी इस महान् जिम्मेदारी से उऋण हो ।

माननीय अध्यक्ष महोदय, मैंने डिस्प्लेस्ड पर्सन्ज़ कम्पेन्सेशन एंड रीहैबिलिटेशन रुल्ज़, १९५५ का बड़े ध्यान से अध्ययन किया है । मुझे वे रूल्ज़ बहुत उचित जंचे और न्याय पर आधारित प्रतीत हुए । यह बात सब को ज्ञात है कि इस विषय में नीति तथा नियमों पर विचार करने के लिए एक जायंट कमेटी बैठी थी, जिसमें दोनों ही सदस्यों के बड़े बड़े बुद्धिमान और चुने हुए योग्य सदस्य थे । उन्होंने आपस में काफ़ी विचार-विनिमय किया और

[श्रीमती शिवराजवती नेहरू]

बहुत छान-बीन और सोच-विचार के बाद एक नीति और नियम निश्चित किए—कुछ बातें तय कीं। जिन बातों के ऊपर उनकी आपस में सहमति थी, उनमें अब फिर से सुधार करना और फिर से परिवर्तन करना मुझे कुछ उचित नहीं लगता। हमारी माननीय सदस्या सुभद्रा जी और श्री गिडवानी जी भी उस कमेटी में थे। सुभद्रा जी की अमेंडमेंट मैंने सबसे पहले देखी हैं। वह आज यहां आई नहीं हैं। गिडवानी जी और बहुत से दूसरे सदस्यों के नए नए सुझाव और अनेक प्रकार की अमेंडमेंट्स मैंने देखी हैं। ये लोग भी उस कमेटी में मौजूद थे। मैं समझती हूं कि यह सभी सुझाव और अमेंडमेंट्स एक प्रकार की अधिकता और ज्यादती की भावना पर आधारित हैं। और वे मूल एक्ट तथा नियमों में कोई विशेष इम्प्रूवमेंट नहीं लाते हैं।

हमारी सुभद्रा बहिन जी का कहना है कि किसी को पचास हजार से ज्यादा कम्पेन्सेशन न दिया जाय, चाहे उसका क्लेम कितना ही बड़ा क्यों न हो। उधर गिडवानी जी के जो अमेंडमेंट्स आए हैं, उनमें से वे छोटे क्लेम वालों, जिनकी संख्या बहुत अधिक है, उनके मुआवजे की मिकदार बराबर बढ़ाते चले जा रहे हैं। मैं इन दोनों ही बातों से सहमत नहीं हूं, क्योंकि वे नियम के विरुद्ध हैं और न्याय पर आधारित नहीं हैं। मैं यह कहना चाहती हूं कि छोटे क्लेम वालों की तो सरकार की ओर से हर तरह की सुविधाएं पूर्व ही दी गई हैं। ग्रामीण (रूरल) शरणार्थियों को खेती करने के लिए जमीन और ग्रामीण मकान दिए गए हैं और रोजगार करने के लिए कर्ज दिए गए हैं। और नगरीय यानी अर्बन शरणार्थियों को रीहैबिलिटेशन ग्रान्ट्स दी गई हैं। उनके लिए कई कालोनीज बनाई गईं और रहने के लिए मकान दिए गए। उनको रोजगार करने के लिए कर्जे दिए गए और दुकानें दी गईं। उनके बच्चों की पढ़ाई की फ़ीस माफ़ कर दी गई और हर बड़े, शहर में बच्चों व स्त्रियों के लिए होम्ज बनाए गए हैं। इसके अतिरिक्त सरकारी विभागों में योजनाओं में और हर प्रकार की सर्विस में पहले उन्हीं का हक माना गया। शिल्पकला और घरेलू उद्योग-धंधों के सैन्टर शरणार्थियों के शिक्षार्थ और उनको स्वावलम्बी बनाने के लिए हर बड़े शहर में खोले गए और बहुत से डिस्प्लेस्ड पर्सन्ज को मेनटेनेन्स एलाउन्स दिए गए।

इसके बावजूद भी उन लोगों की जो कुछ कठिनाइयां रह गई हैं, जैसे सरकारी मकानों के नीलाम का सवाल, बिक जाने वाले मकानों में बसे हुए किरायेदारों की सुविधा का सवाल और मकानों के रेन्ट बढ़ जाने का सवाल है इत्यादि इत्यादि। उन सब के सम्बन्ध में भी माननीय पुनर्वास मंत्री ने आश्वासन दिया है कि वह यथासम्भव इसमें उचित सुधार करने का प्रयत्न करेंगे।

माननीय अध्यक्ष महोदय, इन आठ वर्षों में इस निर्धन देश ने शरणार्थियों की सहायता में दो तीन सौ करोड़ रुपया खर्च कर डाला है। मैं समझती हूं कि यह कम महत्व की बात नहीं है और इस पर मुझे बड़ा गर्व है और हर्ष है। लेकिन हमने देखा है कि इस सब सहायता का लाभ केवल मध्यम या नीची श्रेणी के शरणार्थियों को ही मिला है परन्तु जो लाखपति शरणार्थी यहां आए जो एक ही दिन में धनी से भिखारी व दीन हो गए उनको यह सब लाभ प्राप्त नहीं हो सका। उनकी दशा आज भी दीन है। यह कठिन समस्या कोई धनी शरणार्थियों को अपनी बनाई हुई नहीं है परन्तु देश के दो भाग होने के कारण उनकी यह दुर्दशा हुई। आज उनकी आर्थिक दशा इतनी खराब हो गई है कि उनके लिए अपनी लड़कियों के ब्याह करना और अपने बच्चों की

पढ़ाई जारी रखना भी दुश्वार हो रहा है। आज देश के दो भाग होने के कारण उनकी यह दुर्दशा हो रही है। अपनी लाखों की जायदादें, सजी सजाई महल समान कोठियां, तरह तरह के सामान, अपने गांव गिराओं उपजाऊ लहलहाते खेत, बाग़, बड़ी बड़ी नौकरियां और बढ़ते हुए रोज़गार और सब धन दौलत छोड़ कर वे लोग एक ही रात में धनी मानी से भिखारी बन गए। अब इनको यहां आए भी आठ वर्ष बीत गए हैं और पैसा और कारोबार न होने के कारण इनकी अवस्था और भी खराब हो गई है।

अब जिन शरणार्थियों की पचास साठ लाख की प्रापर्टी वहां रह गई, उनको मुआवजे में दो लाख रुपए तक देना, जैसा कि कम्पेन्सेशन व रीहैबिलिटेशन रूल्ज १९५५ में नियत किया गया है, मेरी समझ में बहुत उचित और न्याययुक्त है।

यह कहा जाता है कि दो लाख देकर एक दम से एक ही दिन में किसी को धनी बना देना यह हमारे सोशलिस्टिक पैट्रन के समाज के सिद्धान्त के विरुद्ध होगा, परन्तु मेरे विचार में यह कहना भ्रममूलक है। प्रथम तो सरकार की अब यह नीति है कि वह नक़द रुपया किसी को न देगी अतिरिक्त बहुत छोटे क्लेम वालों को या डिस-एबल्ड पर्सन्ज जैसे अंधे लूले, लंगड़े लोग या विधवाओं को या उन लोगों को, जिनको आज मेनटेनेन्स एलाउन्स मिल रहा है, उनको ही नकद धन मिलेगा। जिन लोगों के बड़े बड़े क्लेम हैं, या जिनके क्लेम एक हद से बढ़ गए हैं, उनको केवल मकान या गवर्नमेंट बांड्ज मिलेंगे, जिनकी अवधि पन्द्रह वर्ष की होगी। अध्यक्ष महोदय Rules में तो १० हज़ार तक का मकान शरणार्थियों को देने की बात है—परन्तु यदि पचास हज़ार का मकान भी दिया जाय, तो आजकल मकानों की कीमतें इतनी अधिक हैं कि उस रकम में तो एक बहुत मामूली मकान प्राप्त होगा। बाकी का जो रुपया बांड्ज की शक्ल में मिलेगा, वह पन्द्रह वर्ष बाद तक में थोड़ा थोड़ा किस्त में मिलेगा। इस तरह कोई एक दिन में ही धनी नहीं हो सकेगा।

मैं इस बात को मानती हूं कि आज सरकार को देश के निर्माण के लिए बहुत धन चाहिए और आज सरकार के लिए इतना मुआवजा देना भी कठिन हो रहा है। यह बात बिल्कुल सही है परन्तु इधर यह कहा जाता है कि बड़े क्लेम वालों को ५० हज़ार से ज्यादा न दिया जाय और इधर छोटे क्लेम वालों के कम्पेन्सेशन की मिकदार बराबर बढ़ाई जा रही है। छोटे क्लेम वालों की संख्या बहुत अधिक है। इसलिए अगर बड़े क्लेम वालों को पूरा कम्पेन्सेशन न देकर इन लोगों के कम्पेन्सेशन की मिकदार बढ़ा दी, तो लेखा वही पड़ेगा और सरकार का धन उतना ही लग जायगा। फिर अधिक क्लेम वालों की संख्या बहुत थोड़ी है। जहां सरकार ने आज तक करोड़हा रुपया इन शरणार्थियों पर खर्च कर दिया है, वहां यह थोड़ा रुपया तो उसके हाथ के मैल के समान है। यह इन लोगों को देने से सरकार ने जो सभी शरणार्थियों को सहायता देने का वचन दिया था उसकी भी पूर्ति होगी और न किसी को किसी प्रकार की शिकायत का अवसर रहेगा और इसके साथ ही हमारी सरकार के न्याय की मर्यादा की शान दृढ़ होगी और शरणार्थियों की समस्या सदा के लिए समाप्त हो जायगी।

इन सभी कारणों से मैं डिस्प्लेस्ड पर्सन्ज कम्पेन्सेशन एंड रीहैबिलिटेशन रुल्ज १९५५ का समर्थन करती हूं और छोटे मोटे सुधारों को छोड़ कर इनके किसी मौलिक सिद्धान्त और नियम में परिवर्तन करना उचित नहीं समझती हूं।

इस सम्बन्ध में जो तरह तरह के सुझाव आ रहे हैं, उनको देख कर मुझे कृष्ण भगवान् की वह बात याद आती है, जो उन्होंने अर्जुन

[श्रीमती शिवराजवती नेहरू]

गीता में कही थी, कि "हे अर्जुन अनेकों धर्म हैं, अनेकों मार्ग व शास्त्र हैं, इन सब में पड़ कर तेरी बुद्धि चकरा जायगी, तू तो सर्व धर्मान परित्यज्य मामेकं शरणं व्रज" यानी डिस्प्लेस्ड पर्सन्ज रीहैबिलिटेशन एंड कम्पेन्सेशन रूल्ज १९५५ में जो मार्ग है, वही उचित व ठीक है और तू उसी पर चल।

लाला अचिंत राम : आज शरणार्थियों के यहां आने के आठ बरस बाद कम्पेन्सेशन के रूल्स को डिसकस करने का दिन आया है। आज यह फैसला होगा कि किन कायदों के मातहत उनको कम्पेन्सेशन दिया जायगा। यह खुशी की बात है कि इस काम को करने के लिए हमारे मोहतरिम भाई मुकर्रर हुए हैं जो कि खुद एक रिफ्यूजी हैं। हम इन आठ सालों से बराबर सरकार से यही कहते रहे कि इस जगह पर कोई शरणार्थी मुकर्रर करो, कोई शरणार्थी मुकर्रर करो, जो कि हमारे दुःख को जानता हो। आज हमारा यह मतालबा पूरा हुआ। हम यह जानते हैं कि बहुत सी बातों में तो वे बेबस हैं लेकिन जो कुछ उनके बस की बात है वह उन्होंने की है। उन्होंने मैम्बरों को अपनी बात कहने का पूरा पूरा मौका दिया यह बड़ी खुशी की बात है और इसके लिए मैं उनको मुबारकबाद और धन्यवाद देना चाहता हूं। कुछ ऐसी बातें भी वे लाये जो कि हमारे दिमाग में नहीं थीं। उनका जाविया निगाह हमेशा एक रिफ्यूजी का रहा है और उन्होंने निहायत नम्रता से और सब्र से हमारी बातें सुनीं। लेने देने की बात तो अलहिदा है, लेकिन कम से कम उन्होंने हमारी बात तो मुहब्बत से सुनी जिसके कि हम ख्वाहिशमन्द थे। इसके लिए मैं उनको धन्यवाद देता हूं।

मतलब की बात तो यह है कि आज के दिन का बहुत अर्से से इन्तिजार था। आज कम्पेन्सेशन के रूल बनने वाले हैं। सब रिफ्यूजीज की आंखें इधर लगी हुई थीं और वे सोचते थे कि उनको कुछ मिलेगा। लेकिन आप गौर फरमाइये कि क्या होने वाला है। आज किस चीज का कम्पेनसेशन मिलने वाला है? उस चीज का जो कि उनके पास पहले से मौजूद है। यानी आज वह मकान मिलेंगे जिनमें वे रह रहे हैं, जो कि इवेक्वी प्रापर्टी के हैं, या जो मकान गवर्नमेंट ने बनाये हैं वे मिलेंगे, जिनमें कि रिफ्यूजी लोग पहले से ही रह रहे हैं, और जो कर्जा उनको मिल चुका है वह मिलगा। इस वक्त तो यह मिलने की बात है। रूल उस चीज के मिलने के बन रहे हैं जो कि उनको पहले से मिली हुई है। मकान मिले हुए हैं, कर्जा मिला हुआ है, और गवर्नमेन्ट के मकानों का एलाटमेंट भी हुआ हुआ है। इस वक्त उन चीजों के लिए रूल्स बनेंगे जो कि रिफ्यूजीज को पहले से ही मिली हुई हैं। अब तो यह देखने का काम है कि रिफ्यूजी लड़ें और आप तमाशा देखें, कोई लेने देने की बात नहीं है। अब तो काम यह है कि रिफ्यूजी लोग आपस में लड़ें और आप तमाशा देखें और उनसे कहें कि आपस में लड़ो मत, मुहब्बत करो। यह दिन किस वास्ते मुकर्रर हुआ है? हमको लड़ाने के लिए या कि कुछ काम करने के लिए? पहल तो हम गवर्नमेंट से लड़ते थे। अब यह कहा जा रहा है कि तुम आपस में लड़ो। आज यह बड़ी बात हुई है कि हमारे मिनिस्टर साहब क जिम्मे रिफ्यूजीज को लड़ाने का काम सुपुर्द हो गया है। हम मिनिस्टर साहब से कहते हैं कि यह करो, कोई कहता है कि वह करो। मगर वह कहते हैं कि हमारे बाप दादे, हमसे पहले वाले मिनिस्टर, जो कुछ कर गये हैं उसके खिलाफ जाने की बात मेरे बस की नहीं है। आज हम अपने मिनिस्टर साहब की मजबूरी का मंजर देख रहे हैं। कहा जाता है कि पहले मिनिस्टर यह कर गये, दूसरे यह कर गये। पर मैं हैरान हूं कि आखिर यह रिफ्यूजीज का मसला तय किस तरह से हो। इसमें कोई शक नहीं कि मकान मिल गये, दुकानें मिल गईं। लेकिन हम पाकिस्तान में सिर्फ रहने का तो काम नहीं

करते थे । कुछ रोटी भी खाते थे । यह ठीक है कि दुकानें मिल गई और जमीन भी मिल गयी लेकिन जब तक किसी के पास रुपया न हो दुकान कैसे चल सकती है । अगर किसी के पास रुपया न हो तो वह सिर्फ मकान में बैठ कर क्या खायगा । हमारे आदमियों का पाकिस्तान मे लाखों, करोड़ों बल्कि अरबों का काम था । आज जमीन और दुकान तो दी जाती है । पर इतने से ही आगे काम कैसे चलेगा । लोगों के बाप मारे गये, भाई बहिन मारे गये, बच्चे मारे गये, उनके लिए तो कुछ नहीं किया जा सकता लेकिन जो प्रापर्टी वे छोड़ आये हैं उस के इवज में तो कुछ मिलना चाहिए । इस मामले में कहा जाता है कि गवर्नमेंट को बड़ी मुश्किल है । हमारे जो मुहतरिम भाई हैं न्होंने हमसे कहा कि गवर्नमैंट को बड़ी मजबूरियां हैं कोई सेंसिबिल बात करो । हम पूछते हैं कि क्या सेंसिबिल बात करें ? रुपये में से १५ आने मांगें, १४ आने मांगें, बारह आने या आठ आने मांगें? सेंसिबिल सेंसिबिल करते करते वे आठ आने पर आ गये । लेकिन हम को डर होता है कि अगर हम इसको सेंसिबिल कहें तो इसको भी इंसेंसिबिल न समझा जाय । एक सिलेक्ट कमेटी बैठी थी । उसमें कहा गया आठ आना सेंसिबिल है । उसमें सारे ५० आदमियों ने ऐसा कहा । जब सब ने कह दिया कि यह सेंसिबिल है तो हम समझे कि यह सेंसिबिल है । जब यह मामला हाउस में आया तो हमने कहा कि हमने तो सेंसिबिल बात कही है । उस वक्त जैन साहब ने कहा था कि अभी दरवाजा बन्द नहीं है, अभी तो इंटेरिम स्कीम आवेगी । अब खन्ना साहब फाइनल स्कीम लाये हैं । अब दरवाजा बन्द हो जायगा । यह अनप्लेजेंट ड्यूटी अब उन के ऊपर आवेगी । इसके पहले तो प्लेजेंट ड्यूटी थी क्योंकि दरवाजा बन्द नहीं था । अब हमारे भाई को यह काम दिया गया है और कहा गया है कि तुम इसको फाइनल करो । तो आज का दिन किस वास्ते मुकर्रर किया गया है ?

खन्ना साहब कहते हैं कि एक लाख आदमी को जिनके पास पाकिस्तान में एक एक दो दो एकड़ जमीन थी उनको जमीन एलाट हो गयी है ताकि वे अपना गुजारा चलायें । अब आप देखें कि उनको एक एक और आधा आधा एकड़ जमीन एलाट हुई है । कहा जाता है कि उनको एक्स ग्रेशिया ग्रांट मिलेगी । पता नहीं क्या मिलेगा । कहा जाता है कि मजबूरी है ऐसा ही कानून बन गया है ।

मेरे पास एक आदमी की अर्जी है । उसने मुझ से कहा कि मैंने क्लेम दाखिल नहीं किया । जब मैंने पूछा कि उसने क्यों क्लेम दाखिल नहीं किया तो उसने कहा मैं दिन भर काम करके आठ दस आने पैदा करता हूं । अगर मैं क्लेम दाखिल करने पी० ब्लाक जाऊं तो मुझे रिश्वत के दस पांच रुपये देने को चाहिएं । कैसे मैं क्लेम दाखिल कर सकता हूं । वह आदमी कांग्रेस में दो साल जेल भुगत चुका है और देश की सेवा करता रहा है । आज आठ साल बाद अगर कहा जाता है कि उसका क्लेम दाखिल किया जाय तो कहा जाता है कि मजबूरी है । हम कहते हैं कि यह बेपढ़ा लिखा आदमी है, इस ने बहुत मुसीबतें उठाई हैं, तो कहा जाता है कि उसका क्लेम उसी हालत में लिया जा सकता है "इफ देअर इज सब्सटेंशियल काज फार डिले", "इफ देअर इज ए डाकूमेंटरी प्रूफ, दैन ए क्लेम विल बी कंसीडर्ड ।" मैं हैरान हूं कि इस सब्सटेंशियल काज आफ डिले के क्या मानी हैं । हो सकता है कि कोई आदमी बीमार रहा हो, किसी की टांग कट गयी हो या बाजू टूट गया हो और वह कभी एक अस्पताल में रहा हो और कभी दूसरे में रहा हो इस वजह से क्लेम न दे सका हो । इसको सब्सटेंशियल काज मान लेना चाहिए और उसका क्लेम ले लेना चाहिए । लेकिन आप इंडिफरेंट हैं और कहते हैं कि डाकूमेंटरी सबूत दो । आपने ऐसा कायदा बना रखा है । आपको मालूम है कि रिफ्यूजीज में हजारों लाखों आदमी बेपढ़े लिखे

हैं। जो बड़े बड़े आदमी थे, जो मिनिस्टर के रिश्तेदार थे उनका तो काम हो गया लेकिन गरीब आदमियों का कोई पुरसां हाल नहीं है। उनसे कहा जाता है कि तुम सब्सटेंशियल काज़ दो। उसके बाद डाक्यूमेंटरी प्रफ दो।

अब उन बेचारों के पास खाने को नहीं, पीने को नहीं, डाक्यूमेंटरी प्रूफ कहां से दें। मैं इसको नहीं समझ सका कि आखिर कैसी उन रैफ्यूजीज के साथ हमदर्दी दिखलाई जा रही है। मैं जानता हूं कि हमारे मौजूदा मिनिस्टर साहब बज़ात खुद रैफ्यूजी हैं और हमारा दर्द बखूबी समझते हैं लेकिन वे बेचारे क्या करें, उनके हाथ बंधे हुए हैं, तो ऐसी मुश्किल बात है, मैं आपको कहूंगा कि इसमें कोई शक नहीं है कि आपके हाथ बंधे हुए हैं, लेकिन इन हालात के अन्दर भी मैं तसलीम करता हूं कि आपने कुछ हिम्मत की बातें की हैं, उसी तरह इस मामले में भी वह हिम्मत से काम लें I would request you to take up courage and जिन बातों को आप ठीक समझते हैं उनको लें, और उन केसेज को टैकिल करें यह बाद में देखा जायगा कि कितना आप उनको कर पाते हैं और कितना नहीं कर पाते हैं। मैं इस चीज से इंकार नहीं करता कि आपके प्रीडिसैसर्स आपके हाथ बांध गये और श्री मोहन लाल सक्सेना वह चार एकड़ वाला ऐक्ट बना गये.....

सभापति महोदय : गुजिश्ता ऐक्ट में किसी में डाक्युमेंटरी प्रूफ के बाबत नहीं लिखा गया था।

पुनर्वास मंत्री (श्री मेहर चन्द खन्ना) : रूल्स में लिखा है।

सभापति महोदय : वह उस सूरत में होगा जबकि कोई बाप, दादा की जायदाद हो और जिसके कि बारे में डाक्युमेंटरी प्रूफ होना नामुमकिन हो।

लाला अचिंतराम : Thank you very much; you are supporting me. I am very glad. अब यह जो मकानों और दुकानों का ५ करोड़ रुपये का पूल बना है उसमें यह रक्खा गया है कि अगर किसी शख्स को चार एकड़ से कम मिला है और अगर उसका क्लेम १० हज़ार से कम हो तो उसको कम्पेनसेशन नहीं दिया जायगा, भले ही उसके ९ हज़ार ९ सौ के दस क्लेम्स हों। मैं तो यह क़ायदे क़ानून देख कर हैरान हो जाता हूं कि आखिर किस दिल से यह सब क़ायदा क़ानून हमारे लोगों ने पी० ब्लाक में या और कहीं बैठ कर बनाया है। मेरा तो यह सब चीज देख कर दुःख के मारे दिल फटने लगता है। और जब हम उसके बारे में आवाज बुलन्द करते हैं और कहते हैं कि यह तो रिफ्यूजीज पर बड़ा जुल्म है तो हमसे कहा जाता है कि Don't talk about it, it cannot be reopened. मुझे तो हैरानी होती है कि आखिर यह माजरा क्या है? और ऐसा हुक्म क्यों कर जारी किया जाता है? मुल्क ने फ़ैसला किया है कि यह मुल्क फ़ासिज्म निज़ाम को क़बूल नहीं करता, डिक्टेटरशिप को क़बूल नहीं करता, बल्कि यह डैमोक्रेसी को क़बूल करता है, फैसला हुआ कि इस मुल्क के अन्दर डैमोक्रेटिक गवर्नमेंट होगी, तो भाई उसमें तो कोई ऐसा तरीक़ा निकाला जाना चाहिए जिसमें लोगों की आवाज़ की सुनवाई हो। लोग पुकार कर कह रहे हैं कि यह तरीक़ा ग़लत है और यह हमें मंजूर नहीं है, तब मेरी समझ में नहीं आता कि इसको क्यों जारी रक्खा जा रहा है? क्लेम्स दाखिल करने के लिए हमसे मुतालिबा किया गया कि हम सेंसिबिल डिमांड करें और सेलेक्ट कमेटी ने एक राय से जितने का क्लेम हो उसके फिफ्टी परसेंट को सेंसिबिल क्लेम माना है लेकिन आज क्या हालत हो रही है। अगर किसी शख्स को चार एकड़ से ज्यादा एलाटमेंट हुआ है और उसका क्लेम अगर २० हज़ार से कम का है

[लाला अचित राम]

भले ही उसके १६,१६ हज़ार के दस क्लेम्स हों तो वह नहीं लिये जायेंगे और दूसरे यह कि बीस हज़ार से ऊपर का एक ही क्लेम लिया जायगा, भले ही चाहे बीस हजार के उसके दस क्लेम्स हों। दस क्लेम्स में से केवल एक ही क्लेम लिया जायगा। मैं तो आपसे कहूंगा कि जैसे आपके हाथ बंधे हैं और मुमकिन है कि आप कल को फूड मिनिस्टर बन जायं या डिफेंस मिनिस्टर बन जायं और यह चीज़ यूं ही पड़ी रह जाय, इसलिए आपको हिम्मत करके भोंसले साहब के वास्ते कुछ रास्ता खोल देना चाहिए ताकि वह आगे बढ़ कर कुछ हमारे मुसीबत-ज़दा लोगों को राहत देने के वास्ते काम कर सकें।

श्री राधा रमण (दिल्ली नगर) : पहले यह काम तो खत्म कर दें।

सरदार हुक्म सिंह : आप चाहते हैं कि जल्दी यह काम खत्म कर दें, दरवाज़ा बन्द करके भोंसले साहब को भी अपने साथ ही मिनिस्टर साहब ले जायेंगे।

लाला अचित राम : काम खत्म करने की कोशिश मत कीजिये। मैं तो आपसे कहूंगा कि आप क्लेम्स सब के लें ताकि दुनिया को यह तो मालूम हो जाय कि आप इंसाफ पसन्द हैं। क्लेम्स का पेमेंट करना तो जुदा बात है लेकिन आप पहले लोगों के क्लेम तो इंटरटेन करें और इसके लिए अगर पुराने क़ानून में तबदीली करना पड़े, तो मैं मिनिस्टर साहब से अर्ज़ करूंगा कि वह इसमें जरूरी तबदीली करें या तो एक नया क़ानून बनायें और सब के क्लेम्स आप लें ताकि रेफ्यूजीज़ जो मुसीबत के मारे हैं, वे यह तो समझें कि आखिर हमारा एक रेफ्यूजी मिनिस्टर आया जिसने हमारे सब लोगों के क्लेम्स ले लिये। आप चार एकड़ से ऊपर, लाख से ऊपर के जिनके क्लेम्स हैं, या जिनको अलवर वगैरह में बंजर ज़मीनें मिली हुई हैं, उन सबके क्लेम्स आप ले लें, मैं जहां तक पेमेंट का ताल्लुक है, बिल्कुल मायूस नहीं हूं और मैं उम्मीद करता हूं कि जैसे गवर्नमेंट ने कम्पेनसेशन पूल में आहिस्ता आहिस्ता रुपया दिया, इसमें भी जरूर आगे आयेगी और यह बड़ी खुशी की बात है कि पंत जी भी हमारे पंडित जी की मदद के वास्ते आ गये हैं और जिन्होंने कि बड़े बड़े मसलों को मिनटों में हल कर दिया, मैं समझता हूं और मुझे उम्मीद है कि हम जो रुपये की जगह अठन्नी मांग रहे हैं और जिसको कि सबने एक आवाज़ से रीज़नेबल डिमांड कहा है उसको वे पूरी करेंगे, साढ़े ६ आने देने के बजाय ६. ७ पैसे और दे देना कौन सी मुश्किल बात है। मैं समझता हूं कि जो हमारी मांग है उसको मंजूर करना कोई मुश्किल बात नहीं है और मुझे पूरी उम्मीद है कि आप भी उसके लिए कोशिश करेंगे और कोई वजह मुझे नहीं दीखती कि वह क्यों नहीं मंजूर होगी। आज आप देखिये मार्केट के अन्दर क्या हाल हो रहा है। मार्केट के अन्दर लाखों आदमी ऐसे हैं जिनके कि क्लेम्स नहीं लिये गये हैं और जिनके क्लेम्स दाखिल हैं, उनके क्लेम्स बिक रहे हैं। एक रुपये का क्लेम ६ आने में बाज़ार में बिक रहा है। जिस शख्स का क्लेम २ हज़ार रुपये का है, वह ६०० और ७०० रुपये में बिक रहा है। बेचने के सिवाय उनके पास कोई चारा नहीं रहा है क्योंकि रुपया उनके पास है नहीं, इसलिए लाचारी दर्जे रुपया लेने के वास्ते उन्हें अपने क्लेम को कैप्टिलिस्ट्स के हाथ बेचना पड़ता है। मेहरबानी करके कोई ऐसा तरीक़ा निकालिये जिससे हमारे जो ज़माने के सताये हुए दुखी शरणार्थी भाई हैं जिनके गले पर छुरी चली है और जिनमें थोड़ा सा दम बाक़ी है, वह जिन्दा रह सकें। हमने सोशलिस्टिक पैट्रन आफ सोसायटी क़ायम करने का फ़ैसला किया है तो मुनासिब तो यह था कि रैफ्यूजीज को मदद पहुंचायी जाती और उनको ठीक तरह बैठाया जाता। अगर इस देश में टाटा, बिड़ला, और डालमिया जैसे करोड़पति लोग और दूसरे उसी क्लास के लोग

[लाला अचित राम]

रह सकते हैं तो यक़ीनन् हमारे ढांचे में यह मुसीबतज़दा भाई भी रह सकते हैं और मैं नहीं समझता कि कौन सी मुसीबत या रुकावट आपके रास्ते में इनको इमदाद देने में हायल है और गरीब होने के नाते यह आपकी इमदाद के सबसे पहले मुस्तहक़ हैं और मैं समझता हूं कि इस मक़सद में पंत साहब, मौलाना साहब और पंडित जी मिल कर काम करें तो ज़रूर कामयाब होंगे, खाली ६५ करोड़ की ही तो बात है। खाली ऐडवाइज़री कमेटी बनाने से काम नहीं चलेगा, काम तभी चल सकता है और रैफ्यूजी वर्ल्ड सारा तभी सैटिसफाई हो सकता है जब ६५ करोड़ के आप बांड्स दें।

Shri G. H. Deshpande: I rise to express my views on the matter that is being discussed in the House. My request to the Government is that the rules, as they are framed, ought to be as liberally interpreted in the interests of the refugees as possible. If they are followed very rigidly, I have come to the conclusion that they will adversely affect the interests of a very large number of poor refugees.

I am myself associated as Chairman of the Welfare Association of the refugees of my district that is Nasik in Bombay State. A large number of Sindhis have come there since years and they are making marvellous efforts to rehabilitate themselves. I do not, for a moment, under estimate the work that Government has done for the refugees till now; but, I would like to impress upon the Government that what has been done is not enough. There are a number of people who are extremely poor and nothing has been done for them as yet in spite of their own laudable efforts.

I would like, for instance, to bring to the notice of this hon. House that this distinction regarding rural and urban areas is going to hit and hit very hard a very large number of people coming from Sind I have got one instance with me. There is a place in Sind known as Pir-jo-goth. It was a town practically under the principality of the ex-Pir Pagaro. These refugees were there for seven generations and they wellded great influence with the then Government before they came into disfavour with the Government. That was a big place which had a population of more than 15,000 people. It was practically an urban town. There could not be any municipality because the Pir did not want it to be a municipal town. There are even villages of 3,000 population which are, for the purposes of this rule, treated as urban areas, while this particular place to which I have referred, has been treated. under the present rules, as a rural area. Seven thousand people from that township are nearabout Kalyan. near Bombay in the refugee colony there. A few are in my town also. Suppose that place is treated today for the purposes of compensation as a rural area, how hardly they will be hit. I cannot understand this distinction based on rural and urban areas, simply because that town did not fall in the category of a municipality. If one would go into the history of this town, immediately that Pir was removed from office, a sanitary committee was established. In my possession, I have a letter from the Chairman of that committee. He has given the exact figures of the population of the town. I have also in my possession an other letter from one who carried on a survey there with a view to establish a municipality there. I have enquired from our High Commissioner in Karachi as to what other steps were taken. Unfortunately, I have not yet received the reply, though I have received the acknowledgment. What I want to impress upon this hon. House is that there might be some other cases of that type also, and if rigidly you are going to follow the rule and say that simply because there is no municipality there, it should be treated as a rural area for the purpose of compensation, it will surely be unjust in my opinion. So, some way ought to be found; rules ought to be interpreted

liberally. My predecessor just now said that after all the Minister is tied down within certain limits. No doubt he is, but if such hardships are there, I would make a bold suggestion that, if it is necessary, you should change the rules and if it is further necessary the Act also. After all, I would say that the rules and the Act are for us and we not for the rules and the Act. When we passed the Act perhaps we did not imagine that at times it would land us in difficulties. But if after having passed that Act and if after having studied the rules when we are just now embarking on the policy of making payments and if we find that a very large number of poor people are going to be hit and hit very hard, it will be worth while trying to investigate whether the modification of the Act also is necessary. If a way can be found out without modifying the Act, if some rules can be conveniently charged and such hard cases can be given relief, then I think the purpose will be served.

Again I would refer to another case. Simply because a man was allotted four acres of land, should he be debarred from the other benefits of compensation? This is very strange; it is more strange because when that piece of land was offered to him, it was never made known to him that he would not be entitled to any further compensation. He was told that the camps were overcrowded and so they wanted to remove him from overcrowded camp. As a good citizen he co-operated with the Government and agreed to get himself removed from the camp. He accepted to go and work on the land. Are you going to tell that man today that because he cooperated with you and did not refuse to get himself out from the camp, he will not be entitled to any reasonable compensation? Will that be just? If you go even now, that is, after eight years to some of the refugees, they talk in a somewhat unbalanced mind. I have seen so many people grumbling about them, but I would request them to place themselves in that condition and view the position. I do not know what would have happened to me had I been a refugee. No doubt, we have spent a large amount of money in rehabilitating them; no doubt there are great demands and urgent needs before the Government of India, but at the same time who are these people whose cases we are considering today? They are the people who have paid the highest price for the freedom that we have won. Suppose the country were attacked by a foreign power and the people on the border had lost everything that they owned, would it not have been the duty of the nation to rebuild the entire frontier which might have been destoryed? There is a case which ought to be treated on the same footing. They have paid the highest price for the freedom that we are enjoying today, and it is our solemn duty, even if we are inconvenienced to some extent, to see that they are reasonably rehabilitated in this country. As I have said, I do not want to under estimate the work that has been done. If much has been done, much remains also to be done and that ought not to be forgotten. Therefore, a very sympathetic view of the case ought to be taken.

[SHRI BARMAN *in the Chair*]

I know certain other cases also. A certain refugee came to me here and he has a certified claim of Rs. 20,000. His age is 75. There was some scheme announced that people who are above sixty will get something by way of compensation or loans if they have some claim, and a certain time limit was prescribed within which they will be given some relief. This man applied and his application was sent by registered post. He did not get any reply for four months. He happened to come to me by chance. I went and enquired myself, along with him, in the 'P' Block or some other building and they told me point blank "No, no; we have not received the application of this gentleman." I had the receipt in my pocket but I did not say a word. Then I wrote to the officer concerned that we had the receipt. Then they said that the ap-

[Shri G. H. Deshpande]

plication had been misplaced and so it could not be traced then. But what is the price that the old man had to pay for that mistake of someone else? He did not get any relief in spite of my repeated requests. Every time some difficulties were shown to us. Ultimately that man lost his ailing old wife also and has got nothing as yet. That man cannot do anything simply because his application was not traceable. This is not the solitary instance, but there are many cases of this type.

Pandit Thakur Das Bhargava (Gurgaon): Several thousands of files have been lost.

Shri G. H. Deshpande: The offices are overworked. There is some difficulty of language also. All that I know, but taking into consideration all this, I have to say that we should not depend on technicalities in these matters. The department must be handled somewhat in a missionary spirit. You must ever try to help the people; you must ever try to accommodate them. So, when we are considering the rules, I would urge upon you to see that glaring injustices will not be committed, and cases like the Pir-jo-goth, a place in Sind, ought to be taken into consideration, and they should not be treated as rural areas but ought to be treated as urban areas because they were urban areas.

श्री ए० एन० विद्यालंकार (जालंधर) : जहां तक डिसप्लेस्ड परसंज को सहायता देने का ताल्लुक है, जैसे कि मुझ से पहले के वक्ताओं ने कहा कि काफी परिश्रम किया गया है, काफी कोशिश की गई और बहुत सारे धंधे भी चलाये गए हैं और स्कीमें भी बनाई गई हैं लेकिन उन पे अभी तक किसी को कोई सन्तोष नहीं हुआ। यह बहुत ही अफसोस का विषय है कि बावजूद इतनी मेहनत करने के, बावजूद इतना परिश्रम करने के और बावजूद इतनी कोशिश करने के और साथ ही साथ डिपार्टमेंट को काफी लम्बा चौड़ा करके चलाने के हम अभी तक डिसप्लेस्ड परसंज के मनों में संतोष की भावना पैदा नहीं कर पाये हैं। इसका नतीजा यह है कि एक तूफान सा उनके दल के अन्दर है जिसको कि वे लोग जो उनके साथ मिलते हैं और उन को समझते हैं कि वे अनुभव करते हैं। अब देखने वाली बात यह है कि क्या हमने जो कानून बनाये हैं क्या उनसे डिसप्लेस्ड परसंज को संतोष हो रहा है या नहीं। मैं इस बहस में पड़ना नहीं चाहता कि आया जो कानून हमने बनाये हैं वे अच्छे हैं या बुरे। लेकिन इतना मैं जरूर जानता हूं कि हमारे यह तमाम कानून उस टैस्ट पर पूरे नहीं उत्तर रहे हैं, उस कसौटी पर नहीं उतर रहे हैं जिससे कि डिसप्लैस्ड परसंज को संतोष हो सके। मैं जानता हूं कि यह लोग इतने मूर्ख नहीं हैं या इतने ना समझ नहीं हैं कि वे यह न समझते हों कि हमारी सरकार की क्या लिमिटेशंज हैं, क्या सीमायें हैं और या यह न समझ सकते हों कि हमारा जो पूल है या मुसलमान जाती बार जो जायदादें यहां छोड़ गए हैं वह बहुत ही कम है। हमारे भाई जो कि पाकिस्तान से यहां आये हैं वे इन तमाम बातों को समझते हैं। यदि आप उनसे बात करें तो आप महसूस करेंगे कि वे यह बात जानते हैं और समझते भी हैं कि हमारे पास जो पूल है वह बहुत ही कम है। लेकिन उनका असंतोष दो बातों पर आधारित है, एक तो यह कि जो कानून हम बनाते हैं और जो नियम हम बनाते हैं या जो स्कीमें हम बनाते हैं उनमें हम इस बात की कोशिश नहीं करते कि यह देखें कि रिफ्यूजीज को संतोष किस बात से होगा। यह ठीक है कि एडवाइजरी कमिटीज बैठती हैं और वहां पर बातचीत होती है लेकिन वहां कुछ ऐसी मुश्किलात पेश कर दी जाती है और ऐसी कठिनाइयां पेश की जाती हैं कि "फलां काम तो हो ही नहीं सकता" "इसके लिए फाइनेंस डिपार्टमेंट नहीं मानता" या "इस चीज के करने में फलां फलां दिक्कतें हो जाऐंगी।" इसके बाद यह कह दिया जाता

है कि चूंकि यह मुश्किलात हैं और यह लिमिटेशंज हैं इसलिए आगे विचार नहीं हो सकता और यही कारण है कि हमारे लोग जो कि उन एडवाइजरी कमिटीज में होते हैं उनको चुप हो जाना पड़ता है। चूंकि विचार हो नहीं सकता इसलिए आप वहां कोई बात नहीं कर सकते। मैं समझता हूं कि इस मसले का ताल्लुक केवल रिहैबिलिटेशन डिपार्टमेंट से ही नहीं है। यह तमाम गवर्नमेंट का विषय है और गवर्नमेंट को इस मसले पर सामूहिक रूप से सोचना चाहिये। हमें विचार करना चाहिये कि हम कैसे इनको संतुष्ट कर सकते हैं।

जितनी भी दिक्कतें हैं और जितनी भी कठिनाइयां हैं इन पर विचार करके, डैमोक्रेटिक ढंग से विचार करके यदि हम इनको रिफ्यूजीज के सामने रखें और उनको बतायें कि यह प्रापर्टी है, वह पूल है, इतना गवर्नमेंट इसके अन्दर डालना चाहती है, आप बैठो, स्कीमें बनाओ और सब फैसले करो और इस सब काम की जिम्मेवारी आपकी ही है तो मैं समझता हूं कि यह चीज अच्छी तरह से हल हो सकती है और अच्छे निर्णय हो सकते हैं। इस तरह से जो जो फैसला वहां होगा वह अच्छा फैसला होगा। अभी तक जितने भी रूल्ज हमने बनाये हैं, जितने भी कानून बनाये हैं वे रिफ्यूजीज को पूरा संतोष देने वाले नहीं हैं।

4 P.M.

मैं एक एक चीज को लेता हूं। आपने यह फ़ैसला किया कि पांच हजार रुपए से नीचे की की जो गवर्नमेंट की प्रापर्टी है या इवैकुई प्रापर्टी है, उसको हम आक्शन नहीं करेंगे और बाकी जायदाद को आक्शन कर देंगे। इस अब यह आम शिकायत पैदा हो रही है कि छोटे छोटे शहरों में ऐसी कई जायदादें हो सकती हैं जिनकी कीमत पांच हजार या उससे हो, लेकिन दिल्ली जैसे बड़े शहर में एक आदमी वहीं से चला और यहां आकर बसा। उसने एक जायदाद ले ली, या गवर्नमेंट कि बनाई हुई एक प्रापर्टी ले ली या कोई इवैकुई प्रापर्टी ले ली। उसको कोई मकान दिया गया, बैठने की एक जगह दी गई या कोई दुकान दी गई। यहां पर अगर हम मार्केट वैल्यु के हिसाब से चलें, तो यहां पर कोई ऐसी प्रापर्टी नहीं मिलेगी, जिसकी कीमत पांच हजार से कम निकले। अगर हम ग्राउन्ड की मार्केट वैल्यु लेंगे, तो दिल्ली में या और बड़े बड़े शहरों में वह कीमत बहुत बढ़ जायगी। अगर उसको आक्शन करेंगे, तो इसका नतीजा यह होगा कि बहुत से लोग बगैर घर-बार के रह जायेंगे। आज सब से बड़ी आवश्यकता इस बात की है कि हर एक व्यक्ति को सिर छिपाने के लिए कोई न कोई जगह मुहैया की जाय। दिल्ली जैसे बड़े शहर में तो एक छोटे से मकान की कीमत पचास हजार या इससे भी ज्यादा हो जायगी, जिसमें दो छोटे छोटे कमरे हैं और एक आदमी अपने बीवी-बच्चों के साथ उनमें रह रहा है। आखिर वह आदमी, जो दिल्ली या कलकत्ता जैसे बड़े शहर में रहता है, कहां रहेगा? आप उसको कहीं बसायेंगे या नहीं? उसको कहीं जगह देंगे या नहीं? आपको यह देखना पड़ेगा कि बड़े बड़े शहरों में छोटे छोटे मकानों की भी कीमत लाजिमी तौर पर बहुत ज्यादा होगी और वही कीमत उसको देनी पड़ेगी। मैं निवेदन करना चाहता हूं कि आप इस बारे में कोई हल निकालिए। जो इन्तजाम आज-कल चल रहा है, उससे तो बहुत से लोग बगैर शैल्टर के हो जायेंगे और उनके लिए बहुत मुश्किल पैदा हो जायगी। आवश्यकता इस बात की है कि इस समस्या को सहानुभूति से देखा जाय, किन्तु मुझे खेद है कि आज वह भावना मौजूद नहीं है। आज हम कानूनों में उलझ जाते हैं। मुझ से पहले एक वक्ता ने कहा है कि कानून इंसान के लिए हैं, इंसान कानून के लिए नहीं है और जब हम कानून के लिए इंसान को कुर्बान कर देते हैं, तो बड़ी कठिनाई पैदा हो जाती है। इस

[श्री ए० एन० विद्यालंकार]

वक्त हमारे सामने सवाल यह है कि हमने लोगों को काम देना है, उनको किसी न किसी प्रकार बसाना है और ऐसा करने के लिए यह जरूरी है कि आपने जो नीलामी की जो हद बनाई है, उसको बढ़ा दिया जाये।

कम्पेन्सेशन के सिलसिले में हमने पचास हजार की सीमा मुकर्रर की है। अब हम लोग यह चर्चा सुन रहे हैं कि अब इस सीमा को दो लाख या उससे भी अधिक तक बढ़ा दिया जाये। मैं निवदन करना चाहता हूं कि यह एक नीति का सवाल है कि जो लोग कम वित्त वाले हैं, कम धन और कम सामर्थ्य वाले हैं, उनको पहले बसाया जाय और फिर दूसरों को बसाया जाय या यह कि कम वित्त वालों को जितना दे दिया, वह काफ़ी है और अब ज्यादा प्रापर्टी वालों को सन्तुष्ट किया जाये। मैं समझता हूं कि अगर इस विषय में मुझ से पूछा जाय या इस हाउस के सदस्यों और जनता की राय मांगी जाय, तो सब इस बात पर जोर देंगे और सब की यह ख्वाहिश होगी कि जो लोग कम वित्त वाले हैं, पहले उनको बसाया जाये। यह बात नहीं है कि जो लोग ज्यादा प्रापर्टी वाले हैं, उनको हम उनके हक से डिप्राइव कर रहे हैं—वंचित कर रहे हैं। उनके लिए हमने एक लिमिट मुकर्रर कर दी है—पचास हजार की लिमिट रख दी है। वे बोली दें और अपने क्लेम को पूरा करा लें। लेकिन जो कम वित्त वाले हैं, कम क्लेम वाले हैं, उनके हितों का भी ध्यान रखा जाय और उनकी भी संतुष्टि के लिए पूल के हिस्से को लेना चाहिए।

मुझे अफ़सोस है कि इस सारे मामले में देहाती मकानों के क्लेमेन्ट्स के साथ बे-इंसाफी हुई है। हमारे यहां जितनी प्रापर्टी रह गई है, उसकी कीमत हमने बहुत ज्यादा बढ़ा दी है और हमारे लोग जो प्रापर्टी पाकिस्तान में छोड़ आए हैं, उसकी कीमत हमने बहुत घटा दी है। यह जो वैल्युएशन की गई है, वह एक मनमाने और आरबिट्रेरी तरीके से की गई है। मेरी समझ में नहीं आता कि वह किस उसूल की बिना पर की गई है जहां तक मैं समझता हूं, हमने इस बात की कोशिश की है कि किसी तरह से फ़िगर्ज में, कागजों के ऊपर, हम यह दिखा दें कि यह प्रापर्टी का पूल बहुत ज्यादा है। मंत्री महोदय की दिक्कत को मैं जानता हूं। मैं उनकी इस एंगजाइटी को समझता हूं कि वह दिखा सकें कि हमने लोगों के क्लेम में ज्यादा से ज्यादा हिस्सा डाल दिया, ज्यादा से ज्यादा दे दिया। इसी वजह से उन्होंने पूल की कीमत को ज्यादा से ज्यादा बढ़ाने की कोशिश की और इसी लिए उन्होंने आक्शन का तरीका निकाला। लेकिन हमें इस बात का ख्याल रखना चाहिए कि हम किसी तबके के साथ अन्याय न करें। मुझे यह बताते हुए अफ़सोस होता है कि रूरल हाउसिज के मामले में हमने काफ़ी अन्याय किया है। उनमें से बहुत से हाउसिज ऐसे हैं, जिनका अब तक किसी ने किराया वसूल नहीं किया है और जो आज तक एलाट नहीं हो सके हैं। वे नान-रेफ्यूजीज के पास हैं। मेरी कांस्टीट्युएन्सी में आदमपुर का इलाका है। वह एक छोटा सा कस्बा है। नान-रेफ्यूजीज वहां रह रहे हैं। मैंने कई दफ़ा गवर्नमेंट का ध्यान इस तरफ़ दिलाया, लेकिन उस पर कोई कार्यवाही नहीं की गई। मालूम नहीं कि नान-रेफ्यूजीज कितनी देर से वहां रह रहे हैं और कितना किराया वसूल कर चुके हैं, लेकिन रेफ्यूजीज को वे मकान नहीं मिलते हैं। इसकी वजह क्या है? क्या इन्तजाम की कमी है? मैं चाहता हूं कि सरकार उन मकानों को भी पूल में शामिल कर ले। जब हम छोटे से छोटे टुकड़े को भी पूल में रखना चाहते हैं और रख रहे हैं, तो उन को क्यों इग्नोर किया जा रहा है?

इसी तरह से मैं यह अनुभव करता हूं कि अरबन लैंड्ज की डिस्ट्रीब्यूशन के लिए भी हम

एक तरीका अख्तियार कर सकते थे । पाकिस्तान में फर्स्ट, सैकंड और थर्ड क्लास म्यूनिसिपल कमेटीज थीं और यहां भी फर्स्ट, सैकंड और थर्ड क्लास म्यूनिसिपल कमेटीज हैं । बजाय इसके कि हम वैल्यु फ़ार वैल्यु का तरीका अख्तियार करते, हम को यह करना चाहिए था कि लोग जितनी अरबन लैंड्ज़ वहां पर छोड़ आए थे, और जितनी यहां हमारे पास हैं, उनकी प्रोपोर्शन निकालने । जिसकी लैंड फर्स्ट क्लास म्युनिसिपल कमेटी में होती, उसको यहां भी फर्स्ट क्लास म्यूनिसिपल कमेटी में देते और उसी हिसाब से दूसरों को भी दे देते । हम यह तय करते कि कितने क्लेमेंट्स हैं, कितनी लैंड है और क्या प्रोपोर्शन है । इस तरीके से अगर हम काइन्ड फ़ार काइन्ड देने की कोशिश करते, तो मेरा ख्याल है कि हम लोगों को ज्यादा संतुष्ट कर सकते थे, क्योंकि उसमें यह साफ़ हो जाता कि कितना हमारे पास है और कितना हम दे रहे हैं । लेकिन हम ने वैल्युएशन फ़ार वैल्युएशन का तरीका अपनाया और स्टैंडर्ड एकड़ बनाए । मैं अनुभव करता हूं कि स्टैंडर्ड एकड़ का तरीका अब बहुत पुराना हो गया है और उसके ऊपर इस वक्त कोई ऐतराज करना शायद एक हिमाकत समझा जायगा और एक किस्म की हैरिसी समझा जायगा, लेकिन मैं फिर भी कहना चाहता हूं कि स्टैंडर्ड एकड़ का तरीका एक अनसाइंटिफिक तरीका है । अगर ज़रा बारीकी से देखा जाय, तो हम महसूस करेंगे कि उसका बेसिस ही गलत है । यह वैल्युएशन का तरीका हमने रखा और उसी के ऊपर हम सब काम कर रहे हैं ।

ज्यादा समय न लेते हुए मैं सिर्फ यही निवेदन करूंगा कि आप इस बारे में फिर से सोचें । आपने जो रूल्ज पेश किए हैं, वे पास हो ही जायेंगे, लेकिन मैं यह कहना चाहता हूं कि अगर आप डिस्प्लेस्ड पर्सन्ज़ को—जिनके लिए यह तमाम किया जा रहा है, जिनके लिए यह महकमा है, जिनके लिए हम यह इन्तज़ाम कर रहे हैं—बसाना चाहते हैं, संतुष्ट करना चाहते हैं, तो आप को इस समस्या पर फिर से गौर करना होगा । अगर उन लोगों की संतुष्टि नहीं होती है, तो फिर हमारा यह तमाम इन्तज़ाम रद्दी हो जायगा ।

पिछले आठ सालों से हमने इस बारे में बहुत मेहनत की है, यह बात मैं मानता हूं । मैं जानता हूं कि जो पहले मंत्री महोदय थे और जो इस वक्त हैं, दोनों ने कितनी मेहनत की है, कितनी सिरदर्दी की है, कितना परिश्रम कर रहे हैं । इसके लिए मैं उनको धन्यवाद देता हूं । हमारे वर्तमान मंत्री महोदय खुद रेफ़यूजी हैं । शुरू से ही जितना समय उन्होंने इस काम के लिए दिया है, कोई बिरला व्यक्ति ही होगा, जिसने इतना परिश्रम किया होगा । मैं उसकी दाद देता हूं और मेरे ख्याल में हर शरणार्थी भाई उनको धन्यवाद देता है । भोंसले साहब ने भी इस बारे में बड़ा परिश्रम किया है । उनको भी मैं धन्यवाद देता हूं ।

लेकिन अगर परिश्रम का फल न मिले, उसका एप्रीसियेशन न हो तो उसके लिए बहुत अफसोस होगा । मैं चाहता हूं कि हम कोई ऐसा तरीका निकालें कि एप्रीसिएशन भी हो और संतुष्टि भी हो, ताकि हम कह सकें कि जो कुछ हमने काम किया है वह उजड़े हुए लोगों की संतुष्टि के लिए किया है सिर्फ अपनी संतुष्टि के लिए नहीं किया है ।

Shri N. B. Chowdhury: Just about a year back when we were discussing the Displaced Persons (Compensation and Rehabilitation) Bill, it was observed by us that the Bill was merely an enabling measure and the manner of administration of the Act as also the rules that would be framed under section 40 would be real tests of the measure. There was also provided according to a certain section the constitution of an advisory board and it was expected at that time, by the hon. Minister himself while moving the motion for consideration, that the advisory board

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would be sensitive to the repercussions on the refugees and also to the public opinion outside. We do not know exactly how far the advisory board had been sensitive to the repercussions on the refugees and how far these rules reflect the opinion of the advisory board itself.

As regards the repercussions and as regards the public opinion outside we have no doubt at all. We have seen outside the gates of this Parliament House so many demonstrations by refugee associations and United Front of Refugees. We have seen demonstrations before the House of the Minister and demonstrations at different other places. There is a terrible panic that the refugees are going to be evicted; that they are going to lose their shops; that there is going to be demolition of houses; certain houses in Rajinder Nagar are to be demolished and people in East Patel Nagar are afraid that they will be evicted out of their tenements. So, all sorts of fears are there.

The refugees are certainly very much eager to have a proper compensation scheme. They were all these years looking forward to such a scheme and had here been a proper compensation scheme they would have certainly received it with joy in spite of the fact that they are living a very miserable life and are having a very precarious existence too. But, instead of that, these rules and the manner of implementation of the interim compensation scheme, of which we have some experience, have only created a serious anxiety in their minds.

Now, what is the compensation pool that we are going to utilise for the purpose of paying compensation and what is the purpose of these rules? There is no doubt an element of rehabilitation in this measure, but to what extent? In this connection, first of all, I shall quote a few lines from what the hon. Minister Shri A. P. Jain wrote under the heading "To my friends" in this Interim Compensation Scheme. While concluding his introductory remarks he said:

> "Our rehabilitation schemes have accordingly been integrated with national planning. While compensation must necessarily bear some relationship to the value of the properties left behind by individual claimants, in the larger interests of all, it must conform to the requirements of rehabilitation".

But, we know that there is only a pool of Rs. 185 crores and that too is considered to be an over-estimate. Even of that Rs. 185 crores only Rs. 150 crores worth of property are there and about Rs. 30 to Rs. 35 crores account for the loans or the grants that the Government might have already paid. So, in such circumstances we find that what is going to be done is only making some sort of redistribution and if something is going to be done that is to be taken out of other refugees. Therefore, it is a question of exploiting certain class of refugees to pay some other class of refugees. Since you are in the Chair, I am tempted to quote a Bengalee saying, very appropriate to this occasion: "Macher tele mach bhaja" meaning: "In order to fry fish you use the oil of fish itself" That is the position in which we find ourselves under this scheme.

Sardar Hukam Singh: There a better proverb in Punjabi.

Shri Mehr Chand Khanna: I had been in Bengal for 6 to 8 months.

Shri N. B. Chowdhury: I have not time to hear any interruptions. That time may be utilised in rendering some service to our refugee friends. Instead of a really sympathetic scheme to see that the refugee people are properly rehabilitated we find that all sorts of fear are haunting the minds of the refugees in this country. Where we are speaking about the establishment of a welfare State according to the articles of the Constitution, we find that the manner in which the ruling party of today has acted has been responsible for the miserable plight of so many millions

of displaced persons. We find they are not at all serious and they are not at all responsible enough to view this problem with the amount of seriousness that it deserves.

Sir, before taking up the question of rural property to which the hon. Member from Nasik has referred, I would like to say something, first of all, about the urban property, particulary about the shops and houses. We are told that about 60 per cent. of the houses are occupied by the non-claimants and 10 per cent. by the small claimants. From this it would be clear that a vast number of the refugee population have very little verified claims or they have no claims at all. This scheme is to pay something only to those who have some verified claims. Therefore, what would be the result? Those refugees who have no claims but are occupying certain houses for all these years, running certain shops or cultivating certain lands will be evicted. There will be misery and all sorts of difficulties so far as a vast majority of the refugees are concerned.

In Delhi and other urban areas the refugees are demanding that they have to raise the limit of allottability from Rs. 5,000 to 10,000. There have been so many representations and demonstrations but the hon. Minister has not yet announced anything by way of assuring the refugees. In this connection I would like to quote what the previous Rehabilitation Minister said in the Lok Sabha. He spoke in Hindi, but so far as I could make out from his speech he said:

> "He as Rehabilitation Minister, had taken the responsibility of rehabilitating displaced persons and how could anybody in the House think that he would like to uproot them again. As far as Government-built houses were concerned, they would be sold at a proper price to people living in them. In the case of displaced persons living in these houses and having claims, the price of these houses would be adjusted against claims. But other displaced persons occupying them but having no claims would be enable to own these houses on payment of a proper price in instalments."

Then he further said:

> "The uprooting would mean that the problem will not only arise of giving them shelter under some other roof but also of providing some job or other near their place of residence. I am not so foolish as to uproot the people and again have the problem of rehabilitating them on my hands."

This was the statement made or the assurance given by the hon. Minister, as we find, in his speech. So, why is this anxiety, why is this fear in the minds of the refugees today? From the interim compensation scheme, we have come to the final compensation scheme. There was a limit of Rs. 50,000 put on the compensation scheme. Now, it has been raised to Rs. 2 lakhs. Already it has been said that since in our country we have got the Tatas, Birlas and Dalmias, there is no point in putting a ceiling on the properties of the refugees. Why should the refugees alone be subject to a ceiling? In principle, we have no objection, but what we want to urge is that since the Government do not augment the pool, they do not contribute a substantial amount to this pool, then, in that case, it will create difficulty....

Mr. Chairman: The hon. Member's time is up. Only three minutes more.

Shri N. B. Chowdhury: Fifteen minutes are allowed. I want only five minutes more. I shall speak at length while taking up the amendments, but now I would like to make certain general remarks. The refugees here were given an assurance but today we find that those assurances are not being fulfilled. This limit of Rs. 50,000, if stuck to will bring something more to the compensation pool and so we think that if the Government do not augment the pool, then we cannot go beyond this limit of Rs. 50,000.

Then there are so many limitations. If a certain refugee cannot pay more

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than 50 per cent. of the price of a particular shop or house and if his verified claim does not amount to at least 50 per cent. of that, then, in that case, he may be evicted in certain cases. Then there are so many non-claimants. So, it is very necessary that we give careful thought to such cases and make adequate amendments so that the scheme may be improved.

Coming to the question of refugee peasants, I find that there is some sort of discrimination, as has already been referred to, by Shri Gidwani and some other Members also. They are not allowed to file any claim for houses worth below Rs. 10,000. The gross injustice of this has already been pointed out. If they had been allotted anywhere four standard acres of land then in that case they could not file any claim for rural houses even if they were Rs. 19,000 or worth something below Rs. 20,000. So, what is the fault of those people? Although they had houses worth, say Rs. 12,000 or Rs. 15,000 you say they should not get anything, while people living in urban areas would get compensation for houses, whatever they are worth, provided they are situated in urban areas.

Take, for instance, the case of the peasants in Rajasthan, especially in the districts of Alwar, Bharatpur and Ganganagar. They are living there on the definite assurance that occupancy rights will be given to them. They were asked to go to those places. They were living there for so many years and they have been cultivating the lands. They have somehow adjusted themselves there. Now, the Government is asking them, through these rules, to pay the price of the land. It will be astonishing to the House when I say that while under the Rajasthan Tenancy Act passed last year, the local peasants who had been occupancy tenants are going to have the ownership rights, here is an atrocious distinction, an atrocious discrimination against the refugees. This is just the opposite of what we expect. We expect that some sympathetic consideration should be given to the refugees but, instead of that, we have just the opposite thing. While in Rajasthan the local peasants under the local land reform laws are going to get certain facilities by way of acquisition of occupancy rights, these people here, who were allowed land and were not allowed to file their claims or their claims were rejected in respect of rural houses, are now being asked to pay the price of land in instalments. Whether it is a case of land or whether it is a case of shop or urban houses, we find that they are asked to pay the arrears, whatever be his verified claim, in instalments of two years or four years. How can these people pay? If you consider their income, their budget and the conditions in which they are living—you have allowed one room to be occupied by five people—and such other factors, it will be clear that these rules have to be changed. They should be given an opportunity to pay in easier instalments, and if their verified claim is a little less than what is provided in these rules, even then, they should be given the opportunity to buy those houses or shops and be owners of them, so that they can be permanently settled in those areas. Unless you make such arrangements, unless you improve the rules and amend them substantially and unless the Government gives substantial amounts to augment the pool, we can do no justice so far as rehabilitation is concerned.

I shall conclude by referring to one more aspect only, and that is with regard to appendix VIII. If you take into consideration the rehabilitation element in it, we find that up to Rs. 30,000, they will get the rehabilitation grant of Rs. 2,780. This Rs. 2,780 is being given to a person who has a verified claim to the extent of Rs. 30,000, and he is going to get compensation to the extent of Rs. 6,000. A person having Rs. 1,000 as verified claim is getting only Rs. 235. So far as rehabilitation

amount is concerned, it must be more in the case of those people who are non-claimants or small claimants. But here we find that even those peasants who are given some *taccavi* loan of Rs. 500 or Rs. 600 on an average are not given this much of rehabilitation grant. If they are given this much of rehabilitation grant, they can at least make themselves free from the responsibilities of paying those *taccavi* loans. While they were first settled and allowed to go to those areas, they were given quite barren lands, sometimes in areas which were not canal-irrigated areas. They had to cultivate the lands with difficulty, and with the help of well-water only. At those places, you paid something like Rs. 500 by way of *taccavi* loan in order to enable them to have at least a pair of bullocks and some agricultural implements. These people are somehow making both ends meet. How can these people pay off those amounts? We are to take into consideration this aspect also. In the case of non-claimants and small claimants, particularly those people who have been settled in the rural areas, larger rehabilitation grants should be given, so that at least the amount of *taccavi* loans can be paid up. Or, if you waive this loan, then they can get some relief. But there can be no question of paying the price of the land. There should be no responsibility on them to pay the price of land in order to get permanent occupancy rights, because the right of getting occupancy tenancy is provided in the local Rajasthan Act. I would request the hon. Minister to consider the case in respect of other areas also where the people have been settling on the land. I have many other things to say, and I shall deal with them in connection with the amendments.

श्री नन्दलाल शर्मा :

यस्यङ्घ्रि रेणुवीजानि जनैरुप्तानि मूर्धसु ।
सद्यः सुरद्रुनायन्ते श्रीधरः सश्रियेऽस्तुनः ।।

विस्थापित व्यक्तियों के संबंध में पुनर्वास और प्रतिकर दोनों प्रकार की विधि स्वीकृत हुई । अब उनके नियमों का निर्णय करने के लिये आज हम लोग उपस्थित हुये हैं ।

मुझे इस बात का अच्छी तरह अनुभव है कि गवर्नमेंट ने कितना ट्रिमैंड्स कार्य किया है और अभी कितने और कार्य उसके सिर पर बाकी हैं और सरकारी रिपोर्टस् में कई बार यह कहा जा चुका है कि पश्चिमी पाकिस्तान से आने वाले व्यक्तियों की समस्या अब समाप्त हो गई है और अब और कुछ करने को बाकी रहा नहीं, और अभी कल या परसों के पत्रों में हमने प्रधान मंत्री के पत्र-व्यवहार के संबंध में पढ़ा कि हमारे पुनर्वास मंत्री महोदय का यह विश्वास है कि इन नियमों के स्वीकृत हो जाने के बाद लगभग ८० प्रतिशत लोगों के भाग्य का निर्णय हो जाएगा और उनके पुनर्वास और प्रतिकर का पूर्ण विश्वास हम लोगों को होगा । ऐसा हमने समाचार पत्रों में देखा है ।

श्री मेहर चन्द खन्ना : यह दुरुस्त नहीं है ।

श्री नन्द लाल शर्मा : मेरा यह निवेदन है कि जो ८० प्रतिशत की आशा आज से कुछ दिन के बाद की जाने वाली है और जिस के बारे में आज से एक वर्ष पहले या आठ महीने पहले जब मंत्री महोदय ने यह कहा था कि अब पश्चिमी पाकिस्तान के विस्थापितों की समस्या समाप्त हो गई है उसमें उतना सत्य का अंश नहीं था । रही बात हमारे वर्तमान मंत्री महोदय के संबंध म । एक बात मैं कहना चाहता हूं और वह बात शायद उनको कटु लगे, कड़वी बात थोड़ी सी दुखदायी होती है परन्तु होती है औषधि और वह यह है कि आज से कुछ दिन पहले बार बार विस्थापित [illegible] दुख अनुभव करते थे और कहते थे कि अब जब वे अपने नेता के पास जाते थे उनको यह उत्तर मिलता था कि मेहर चन्द खन्ना मर गये, वह पेशावर और फ्रंटियर वाले जो मेहर चन्द जी थे वह अब जीवित नहीं हैं । हम को आज एक बात से अवश्य ही शांति मिलती है कि कम से कम वही मेहर चन्द खन्ना पुनर्जीवित हो गये । वे मैं समझता हूं कि तब भी नहीं मरे थे और अब भी नहीं मरे हैं ।

[श्री नन्द लाल शर्मा]

उनका जो सामाजिक जीवन जनता के हित के लिये था और जनता उनसे जो आशा करती थी उस आशा को पूर्ण न कर सकने के कारण उस समय वह मर गये थे। आज जनता को पुनः यह आशा हुई है कि वे जीवित हैं। मैं एक बात कहना चाहता हूं कि जूते पहनने वाले को ही यह अनुभव हो सकता है कि जूता कहां काटता है। आप दूसरे के दुःख को तभी अनुभव कर सकते हैं यदि आप उस दुःख में से गुजरे हों। एक आदमी जिसे यह समस्या हल करनी है और इसे हल करने में एक आदमी जो इसे अपने हृदय से लगाकर हल करने में समर्थ हो सकता है वह दूसरा नहीं कर सकता। मैं इतनी बात कह कर उनके सहायक महोदय जो हैं उनके सम्मान को किसी प्रकार से भी कम नहीं करना चाहता हूं। उन्होंने आई० एन० ए० में काम किया और यहां भी बहुत ही अच्छा काम किया है।

विस्थापितों के कष्ट को अनुभव करते हुए भी यह जो आये के लिए हम नियम बना रहे हैं उन नियमों में जो त्रुटियां आने वाली हैं उनसे शरणार्थियों के भाग्य में और उलझनें बढ़ जायेंगी। और जो रूल्ज अब बनाये जा रहे हैं उनसे और कठिनाइयां बढ़ जायेंगी।

इंद्रो मूलम् विड़ौजा टीका

किसी लड़के ने वेद में पढ़ा इन्द्र और गुरु जी से जाकर पूछा कि गुरु जी यह इन्द्र क्या होता है। गुरु जी ने जवाब दिया कि बिड़ौजा। इन्द्र तो थोड़ा बहुत किसी की समझ में आता है लेकिन बिड़ौजा किसी की समझ में कैसे आये इसी तरह से आज जो रूल्स और रैगूलैशंस आप बनाने जा रहे हैं यह स्वयं डिस्प्लेस्ड पर्सन्स ऐक्ट की अपेक्षा अधिक भूल भुलैयां वाले हैं, इतने कम्पिलकेटिड हैं कि वे आम आदमियों की समझ में ही नहीं आ सकते। अब अगर इन रूल्ज में कोई गड़बड़ी होगी तो जो ऐक्ट है वह केवल एक ऐक्ट के नाम मात्र ही रह जाएगा और उससे कोई लाभ नहीं होगा।

अब मैं दो एक बातें कहना चाहता हूं कि जो रूल्ज हैं वे एक तो पुनर्वास के हैं और दूसरे प्रतिकर के हैं। पुनर्वास के सम्बन्ध में पहला प्रश्न तो यह था कि उससे लोगों का पुनर्वास होगा मगर अब गवर्नमेंट स्वयं अनुभव करती है कि पुनर्वास नहीं हुआ। दूसरे अब सरकार की ओर से कुछ ऐसे कदम उठाये जा रहे हैं कि जिन व्यक्तियों को बसाया जा चुका है उनको भी पुनः उजाड़ा जाए और उनको एक बार फिर विस्थापित बना दिया जाए। उनको उजाड़ कर उनके पुनर्वास का कोई प्रबन्ध होगा या नहीं होगा इसका कुछ पता नहीं। आपने हरिजनों की भलाई के लिए और दूसरी बातों के लिए १० वर्ष की अवधि संविधान में रख दी है लेकिन इन विस्थापितों के लिए कोई कैटेगरी नहीं है। ये लोग न तो शेड्यूल्ड कास्ट्स में आते हैं और न ही शेड्यूल्ड ट्राइब्स में। इस वास्ते जिन को अब बसाया जा चुका है अगर उनको फिर से उजाड़ा गया और उनकी सम्पत्तियों को नीलाम करने की कोशिश की गई तो उनके पुनर्वास की समस्या आपके सिर पर फिर खड़ी हो जाएगी और वे लोग फिर से शरणार्थी हो जायेंगे। फिर हम यह नहीं कह सकेंगे कि पश्चिमी पाकिस्तान से आए हुए विस्थापितों की समस्या प्रायः समाप्त सी हो गई है और progress *ad infinitum* हो जायगी अर्थात् अनवस्था दोषक्रान्त होगी और कुछ पता नहीं लगेगा कि कब बसाये जायेंगे।

दूसरी बात यह है कि कि लगभग ६७ लाख विस्थापितों में से लगभग ४२ लाख विस्थापित ऐसे हैं जिन के क्लेम्ज का अभी तक कुछ पता नहीं है और न ही उन्होंने क्लेम दिये हैं। जब उन्होंने क्लेम नहीं दिये तो उनका पुनर्संस्थापन कैसे हो। उनके बारे में मैंने आपके जो रूल्ज आ रहे हैं उनमें संशोधन भी उपस्थित किया है और उस समय उन के बारे में कहूंगा लेकिन मेरा विशेष निवेदन है कि उनका

भी ख्याल रखा जाए और उनको रिहैबिलिटेट करने के प्रश्न पर भी विचार किया जाए। जहां तक क्लेम देने का प्रश्न है उन में से कईयों ने तीन तीन और चार चार बार दिये भी हैं और जब उन्होंने पहले क्लेम दिया तब थोड़े दिनों के बाद यह कह दिया गया कि वे क्लेम अब रद्द ही गए हैं दूसरे क्लेम दायर करो। दुबारा उस में यह हुआ कि १०,००० के नीचे के क्लेम जो कि रूरल क्लेम थे वे भी माने नहीं जायेंगे इस का फल यह हुआ कि बहुत सारे लोग क्लेम ही नहीं दे सके।

ऐसे भी कई व्यक्ति हैं जो कि शेड्यूल्ड डेट के बाद भारत आए हैं और अभी तक भी आ रहे हैं और ये व्यक्ति उस जगह से आ रहे हैं जिस को ट्रांस फ्राण्टियर टैरिटरी कहा जाता है जो तीराह का प्रदेश है जिसको कि नोमैंज लैंड कहते हैं। कितने ही ऐसे व्यक्ति हैं जो अब भी आ रहे हैं और उन को भी नान-क्लेमेंट्स की कैटेगरी में रखा जा रहा है।

इसके बाद मैं यह कहना चाहता हूं कि मैंने इस हाउस में कई बार इस बात का आग्रह किया है कि जो गवर्नमेंट सर्वेंटस हैं उनका भी खयाल रखा जाए। मेरा उनके साथ कोई विशेष सम्बन्ध है, ऐसी बात नहीं है। ऐसे गवर्नमेंट सर्वेन्टस जिन को अपने विभाग से रिहायश के लिए गवर्नमेंट प्रापर्टी मिली हुई है यदि वह कल सर्विस में न रहें और निकाल दिये जाएं या रिटायर हो जायें तो ऐसा होगा कि गवर्नमेंट क्वार्टर उनसे छिन जाएगा और वे फिर वैसे के वैसे रिफ्यूजी बन जायेंगे, डिसप्लेस्ड परसन बन जायेंगे। मैं निवेदन करता हूं कि इस बात पर भी ध्यान दिया जाए।

साथ ही साथ मैं इन कालोनीज के सम्बन्ध में चाहे आप तिलक नगर की कालोनी ले लीजिये या लाजपतनगर को ले लीजिये या कोई और कालोनी ले लीजिये। उनके अंदर न तो लाइट का प्रबन्ध है न पानी का प्रबन्ध है और न ही वहां पर कोई सैनिटरी अरेंजमेंट है और न किसी प्रकार की नालियों का प्रबन्ध है जिन के कारण उनको बहुत कष्ट होता है। साथ ही उन मकानों की कीमत के बारे में भी जल्दी फैसला होना चाहिये। जब भी हम गवर्नमेंट से पूछते हैं तो हम को जवाब दिया जाता है कि prices are not, as yet, finalised. अभी तक उनको यह बताया नहीं गया है कि अन्तिम क्या प्राइस होगी और उनको क्या देना है। सरकार आज तक उनका मूल्य नहीं आंक सकी है हालांकि कितने ही वर्ष गुजर चुके हैं। इसके अलावा बार बार हम को विश्वास दिलाया जाता है कि किसी प्रकार से उसमें लाभ की भावना नहीं रखी जाएगी और केवल जितना खर्चा आया है उसी के अनुसार उसकी कीमत लगाई जाएगी। परन्तु अभी तक यह निश्चय नहीं ही सका कि कितनी कीमत बैठती है। इसके साथ ही कई जगह पर सरकार ने पांच पांच हजार के मकानों की कीमत सात सात हजार कर दी है और सात सात हजार वाले मकानों की कीमत साढ़े आठ आठ हजार कर दी है। कितनी ही प्रापर्टी को आकशन की कैटेगरी में ले लिया गया है और आकशन करते समय दुर्भाग्य से कुछ ऐसी बात हो जाती है कि जो क्लेमेंट्स हैं वह समझते हैं कि चलो हमारे क्लेम में से कुछ मिल जाएगा अगर हमने आकशन में हाइएस्ट बिड दे दिया। यह वह इसलिए करते हैं कि वे समझते हैं कि पता नहीं कब क्लेम मिले और कितनी रकम मिले। मियां की जूती मियां के सिर पड़ती है। मैंने देखा है कि जो मकान १६,५०० का है वह आकशन में ४७,००० में गया। राजेन्द्रनगर में एक मकान जिसका १६,५०० अनुमानित मूल्य था वह ४७,५०० रुपए में नीलाम हुआ और दूसरा मकान ३६,५०० रुपए में नीलाम हुआ। आप स्वयं ही समझ सकते हैं कि इतनी भयंकर—इतनी एग्जार्बिटन्ट—प्राइसेज देकर

[श्री नन्द लाल शर्मा]

रेफ्यूजी जीवित रहेगा या मरेगा। और उसको क्लेम क्या मिलने वाला है—प्रतिकर क्या मिलने वाला है, इसका कुछ निश्चय नहीं है। उसकी तो यह अवस्था है कि वहां शत्रु ने लूट लिया और यहां मित्र ने लूट लिया। इसलिए मैं निवेदन करूंगा कि इस बात का भी ध्यान रखा जाए।

इसके बाद आता है इन्स्टालमेंट्स का प्रश्न। इन रूल्ज में जब संशोधन उपस्थित होंगे, उस समय मैं इस सम्बन्ध में विस्तार से निवेदन करूंगा, किन्तु मैं कहना चाहता हूं कि इन रूल्ज में चार वर्ष के इन्स्टालमेंट्स का सिद्धान्त रखा गया है। गंगानगर बीकानीर के रेवन्यू रिकार्डज से हमें पता चलता है कि जो लोग लैंड को बसाना चाहते हैं, उनसे रेवन्यू डिपार्टमेन्ट चौदह पन्द्रह इन्स्टालमेंट्स लेने के लिए तैयार है लेकिन रीहैबिलिटेशन डिपार्टमेंट रेफ्यूजीज के पुनस्संस्थापन के लिए चार एनुअल इन्स्टालमेंट्स रखता है, जो कि रेवन्यू डपार्टमेंट के साधारण पृथ्वी बसाने वालों के रेट से बहुत अधिक हैं। इसलिए मैं निवेदन करूंगा कि मंत्री महोदय इस ओर भी ध्यान दें।

मैं दो शब्द ग्रामीण विस्थापितों के सम्बन्ध में कहना चाहता हूं। जब वह अरबन प्रापर्टी नागरिक सम्पत्ति—खरीदने लगा, तो उसकी प्रापर्टी की कीमत आधी कर दी। आप ज़रा ध्यान से देखेंगे, तो पता चलेगा कि पहले ही नागरिक प्रापर्टी के मूल्यांकन में उसकी कीमत की उसी हिसाब से रैशो लगाई गई है कि गांव में जो प्रापर्टी है, उसकी वैल्यु कम होगी। इस भाव से उसका कम मूल्य लगाया गया है और फिर यदि उसका मूल्य आधा कर के आधे से भी आधे—एक चौथाई—पर गिराया गया, तो उससे और हानि पहुंचेगी।

प्रतिकर के सम्बन्ध में मैं इतना ही निवेदन करूंगा कि कम्पेन्सेशन पूल मानो एक स्रोत बह रहा है, जिसमें दो चश्मे आ कर मिलते हैं। एक तो इवैकुई प्रापर्टी में से चश्मा इसमें आकर मिलता है और दूसरा चश्मा है वह प्रापर्टी जो गवर्नमेंट ने बनाई। और गवर्नमेंट यह प्रापर्टी बनाने के बाद यह क्लेम करती है और यह विश्वास दिलाती है कि हमने रेफ्यूजीज के लिए कितना काम किया है, लकिन वस्तुतः जितनी प्रापर्टी उन्होंने बनाई है, वह प्रापर्टी आक्शन कर के, रेफ्यूजीज को बेच कर और अपने खर्च से भी कई गुना मूल्य पर बेच कर सरकार एक व्यापार कर रही है—वह पुनस्संस्थापन का कार्य नहीं कर रही है। इसलिए अगर सरकार को कुछ करना है, तो उसको अपनी ओर से अथवा टैक्स लगा कर अथवा किसी और प्रकार से उस पूल में कांट्रीब्यूट करना चाहिए।

अब यह बात तो निश्चित है कि हम को पाकिस्तान से कोड़ी भी मिलने वाली नहीं है। परन्तु मैं निवेदन करूंगा कि एक बात का ध्यान अवश्य रखा जाय। मुझे याद है कि सितम्बर की २२ तारीख को सन् १९५३ में हमारे भूतपूर्व पुनर्वास मंत्री श्री जैन महोदय ने कहा था कि :

So far as Government-built houses are concerned, they would be sold for a proper price to those living in those houses. फिर आगे चल कर कहा कि Government do not want to remove the displaced person from the house if he wanted to live in it.

आज आप बार बार यह हल्ला सुन रहे हैं। मैंने यह भी सुना है कि हमारे मंत्री महोदय के द्वार पर जाकर लोगों ने अपना भाग्य रोया है कि जिन मकानों में हम लोग पड़े हुए हैं, वहां से हम को निकालने की चेष्टा न की जाये। उन मकानों के आक्शन को रोकने का प्रयत्न किया जाय और उन्हें राइट आफ प्रिएम्प्शन—शुफ़ा का अधिकार—दिया जाय। केवल शरणार्थियों को उसमें बिड करने का अधिकार हो और विशेषकर जो लोग उन मकानों में इस

समय रह रहे हैं, पहले उनको खरीदने का अवसर और अधिकार दिया जाये। इसके साथ ही साथ जो रेट्स हैं, जो चार इन्स्टालमेंट्स रखी गई हैं, उनके स्थान पर कम से कम चौदह इन्स्टालमेंट्स रखी जायें।

इसके बाद मैं एक विशेष ध्यान देने योग्य विषय की ओर मंत्री महोदय का ध्यान दिलाना चाहता हूं। मैं निवेदन करना चाहता हूं कि वह समस्या अभी थोड़े दिन से ही खड़ी हुई है।

Mr. Chairman: The hon. Member's time is up.

Shri Nand Lal Sharma: This is a very vital point.

Mr. Chairman: He can speak on his amendment.

श्री नन्द लाल शर्मा : I shall finish in one or two minutes.

वह है राजेन्द्रनगर की समस्या। कितने दिनों से वह समस्या सुलग रही थी। कभी आवाज उठती थी कि उस कालोनी के मकान गिरा दिए जायेंगे। यह बात सुन कर बेचारे विस्थापित, जो कि वहां रहते हैं, भागते हुए खन्ना साहब के द्वार पर पहुंचे और प्रार्थना की कि ऐसा न किया जाय। खन्ना साहब ने उन लोगों को विश्वास दिलाया कि हम नहीं गिराने देंगे। इस पर वे बेचारे कुछ शांत हुये। थोड़े ही दिनों के बाद फिर आवाज आती है कि वे मकान गिरा दिये जायेंगे। बेचारे विस्थापित फिर परेशान हो उठते हैं। यह हाउसिंग मिनिस्ट्री और रीहैबिलिटेशन मिनिस्ट्री का टसल है—दो हाथी आपस में लड़ रहे हैं और कुचल जायेंगे बेचारे छोटे छोटे जीव।

मैं मंत्री महोदय से निवेदन करूंगा कि वह कम से कम विस्थापितों को विश्वास दिलायें कि उनको अपने मकानों से निकाला नहीं जायेगा और उस कालोनी की कुटियां गिराई नहीं जायेंगी। मैं यह भी बता दूं कि जिस समय वे लोग वहां बसे थे, उस समय वह स्थान बिल्कुल एक जंगल के समान था। उनके वहां पर बसने और रहने के बाद ही वह स्थान रहने के लायक बना। उनके ही कारण वह स्थान रहने के लायक बना और आज उनको इस बात का कोई विश्वास और निश्चय नहीं है कि वे वहां रह पायेंगे भी या नहीं।

इन निवेदनों के साथ मैं पुनस्संस्थापन मंत्री महोदय से निवेदन करूंगा कि वह इन बातों का ध्यान रखें और इसके अनुसार जो जो भी संशोधन आपके इन रूल्ज में करने का प्रस्ताव किया गया है, उनको स्वीकार करने की चेष्टा करें।

श्रीमती उमा नेहरू (जिला सीतापुर व जिला खेरी-पश्चिम) : आज आठ साल से हम रीहैबिलिटेशन के काम में लगे हुय हैं और हमारे सामने जो प्रश्न है, वह इतना मुश्किल प्रश्न है कि उसका हल करना कोई बहुत आसान काम नहीं है। जिस वक्त यह रीहैबिलिटेशन का काम शुरू हुआ, उस वक्त हम लोगों ने यह देखा कि पंजाब, सिंध और बंगाल, इन तीनों इलाकों से लोग उठ उठ कर हमारे प्रांतों में आये। इन लोगों की मुसीबत का बयान इस समय करना बेकार है, क्योंकि समय कम है। लेकिन मैं भूली नहीं हूं कि जिस समय पार्टीशन हुआ, उस समय मैं शिमला और दिल्ली में थी। उस समय मैंने अपने आंखों से गरीबों को, अमीरों को, सबको, भिखमंगों की सूरत में देखा। मैंने उनको हाथों में रोटियां लेते हुए देखा। मैंने उन खानदानों को देखा कि केवल उनके बच्चे ही नहीं मरे थे, केवल उनकी स्त्रियां ही नहीं मरी थीं केवल स्त्रियां विधवायें ही नहीं हुई थीं, केवल बच्चे यतीम ही नहीं हुए थे, लेकिन बहुतों की स्त्रियां और बच्चे गायब हो गये जो आज तक नहीं मिले हैं। तो ऐसी हालत में ये दुखी लोग हमारे यहां आये। उस समय हमने और हमारी गवर्नमेंट ने उनको अपने कलेजे से लगाया। मेरे पास इतना समय नहीं है कि मैं उस समय का सारा इतिहास कहूं। लेकिन यह जीता जागता इतिहास है जो कि छिपाया नहीं जा सकता। आज सारे

(श्रीमती उमा नेहरू)

भारत में हम उनकी मुरझाई हुई सूरतें देखते हैं। मैं इन रिफ्यूजीज की तारीफ भी बहुत करती हूं। यह हिम्मत नहीं हारे। आज भी स्त्रियां मुझ से प्रयाग में कहती हैं कि हम परिश्रम करेंगी और हम आपको विश्वास दिलाती हैं कि हम वापस लाहौर जायेंगी। उनकी यह हिम्मत देखकर हमारी भी हिम्मत बढ़ी। लेकिन जिन गरीबों को आज हम बसाने जा रहे हैं उनके बारे में क्या हमको कानून पर इतना जोर देना चाहिये? कानून वही अच्छा होता है जिसमें रोलेकसेशन हो। किसी तरह का कानून उन पर लगाना कि वे फिर से बेघर हो जायं ठीक नहीं होगा। गवर्नमेंट ने उसके लिये जितनी मेहनत की है उसकी मैं तारीफ करती हूं। मैंने वे टेनेमेंट देखे हैं जो कि इन के लिये बनाये गये हैं। मैंने देखा है कि एक एक कोठरी में एक खानदान रह रहा है। वे अब भी परेशानी की हालत में हैं।

इस वक्त मुझे इतना ही सरकार से कहना है, हम शुरू से यह कहते भी आये हैं कि हम यह बिल्कुल पसन्द नहीं करते कि इन गरीबों की दुकानें नीलाम हों या उनका मकान नीलाम हो। आज सवेरे मैंने कई अखबार देखे। उनमें बड़े बड़े हर्फों में मैंने यह लिखा देखा कि जो बातें हम बराबर सरकार से कहते आ रहे हैं थे उनको गवर्नमेंट ने तसलीम कर लिया है। यह देख कर मुझे बहुत खुशी हुई। मैं यहां बैठी यह सोच रही थी कि मिनिस्टर साहब शुरू में ही बतला देते कि यह चीज हमने मंजूर कर ली है। अगर ऐसा होता तो हमारा काम आसान हो जाता और समय भी नष्ट न होता। लेकिन डिमाक्रेसी का यह दस्तूर है कि इसमें देर लगना जरूरी ह। जब तक समय खर्च न हो तब तक बात साफ नहीं होती है।

श्री बी० जी० देशपांडे (गुना): डिमाक्रेसी की बात नहीं है, कुछ देना नहीं चाहते।

श्रीमती उमा नेहरू: मुझे यकीन है कि मिनिस्टर साहब इन बातों को मंजूर कर लेंगे। इससे मुझे खुशी है और मैं मिनिस्टर साहब को मुबारकबाद देना चाहती हूं कि जो बात हम चाहते थे वह उन्होंने कर दी यानी दो हजार और पांच हजार के ही नहीं बल्कि दस हजार के भी मकान नीलाम न किये जायेंगे, दुकानें जायें, ऐसा न हो कि जिनको हमने बसाया है उनको फिर किसी दूसरी जगह बसाया जाये। यह देखकर खुशी हुई।

ज्यादा समय नहीं है, इसलिये मैं ज्यादा न कह कर केवल इतना ही कहना चाहती हूं कि जब तक हम में और हमारी सरकार में मिशनरी स्पिरिट नहीं होगी तब तक हम रिहैबिलिटेशन का काम नहीं कर सकेंगे। यह मुझे यकीन है। उसके साथ साथ, रिहैबिलिटेन के क्या मानी होते हैं इसको भी हमें समझना है। हम तभी रिहैबिलिटेशन कर पायेंगे जब हम आपने रिफ्यूजी भाइयों की आर्थिक हालत को सुधार सकें। जिस वक्त इन रिफ्यूजीज की आर्थिक स्थिति हमारे समान हो जायेगी और हम और वह एक ही नाव में चलने लगेंगे और हमारा रहना सहना और खाना पीना एक ही तरह का हो जायगा तभी हमारा रिहैबिलिटेशन का काम सफल होगा। मैं समझती हूं कि इस काम में ह्यूमैन एप्रोच होनी चाहिये। जब तक आपका ह्यूमैन एप्रोच नहीं होगा तब तक इन दुखियों की सही तस्वीर आपके सामने नहीं आ सकेगी। मैं सरकार से यह कहूंगी कि जहां तक हो इस बात का ख्याल रखे।

अब दूसरी जो सबसे बड़ी बात है वह ५० हजार की सीलिंग की है। हमने अखबारों में देखा है कि उसको ५० हजार से दो लाख कर दिया गया है। इसके लिये तो मैं अपनी सरकार से यही कहना चाहती हूं कि अगर वह अपनी सैकिंड फाइव इअर प्लान को कामयाब बनाना चाहती है तो रिफ्यूजी पूल के वास्ते कम से कम ५० करोड़ रुपया दे। मैं जानती हूं कि अगर

दूसरी फाइव इयर प्लान में इन रिफ्यूजीज को भी कि उजड़े हुए यहां आये हैं बसा नहीं दिया गया तो आपकी वह स्कीम पूरी सफल भी नहीं होगी ।

Shri N. C. Chatterjee: Shri Nand Lal Sharma has given us some mild shocks from time to time but the greatest shock we got was when he announced that he heard some time back that Shri Mehr Chand Khanna was dead. He was now discovered that he is living, and we know that he is kicking, but I only hope that he will never kick at the refuees.

Coming from Bengal which has suffered heavily—you and I both come from that province—from this tragedy of this unnatural partition of this country, our heart certainly goes out to the afflicted millions who have been unrooted and who are still suffering terribly as a result of this terrible aftermath.

Our time is short, and I want to emphasize four or five points which require serious consideration. The first point is that I am endorsing what the first speaker, Shri Gidwani, said today, that all this regulation and all this code of rehabilitation will be almost futile and useless unless the Government is prepared to augment the evacuee pool. That is the first demand, and that demand I hope will be unanimously endorsed by every party and every section of this House. We must all realise that this is not a problem of Punjab or the North-West Frontier province or of this part of India or that, but it is a national problem. I am sorry that today the House is so thin. Every Member ought to have been in his seat today especially when we are tackling such a problem which means that we are going to deal with the destiny of 66 lakhs or over 6 million people who have come from West Pakistan and if we can put this measure on a satisfactory basis, 44 lakhs of people who have been uprooted from East Pakistan will also have some solace.

Two things I am first of all pleading for. I was to some extent perturbed when I found that a distinguished lady Member had tabled a motion that the ceiling should be fixed only at Rs. 50,000 and not at Rs. 2 lakhs as the hon. Minister has given in the schedule. You know, Sir, Schedule VIII gives the ceiling, and the highest is Rs. 5 lakhs. When the claim is for Rs. 5 lakhs or more, the maximum would be Rs. 2 lakhs. It is given at page 45.

Pandit Thakur Das Bhargava: Rs. 2 lakhs for Rs. 18 lakhs.

Shri N. C. Chatterjee: Rs. 2 lakhs for Rs. 18 lakhs, that is right. That is, when a person or a family has left property in Pakistan to the tune of Rs. 18 lakhs, the maximum that he will get is Rs. 2 lakhs.

Shri Mehr Chand Khanna: Rs. 18 lakhs and above, maybe even a crore.

Shri N C. Chatterjee: Maybe even a crore of rupees. Thank you. What I am pointing out is that it will be most unfair to say that it should be reduced to Rs. 50,000. I know that the socialistic pattern is very fashionable, but don't start socialisation at the cost of the poor, unfortunate, displaced refugees who have been the victims of India's independence. Firstly, it is unfair because if you give them Rs. 2 lakhs, it will raise the bid for a given property, and thereby it will increase the pool. A refugee can only bid up to the amount of compensation. He cannot go beyond that. If you give him even this nominal figure, then he can bid up to Rs. 2 lakhs. Otherwise, what will happen is non-displaced persons will come in if the limit is kept down at a very low figure, and in respect of any property over Rs. 50,000 the refugee will be completely out of the picture. That is, the displaced persons will be completely eliminated.. They will have no chance. How can you expect a refugee who has been given

[Shri N. C. Chatterjee]

Rs. 50,000 to bid for a property of higher value? Supposing a property is valued at Rs. 60 or Rs. 70 thousand, how do you expect him to fork out the balance Rs. 10,000 or more?

Mr. Chairman: Would he like to continue tomorrow?

Shri N. C. Chatterjee: I would like to continue.

5 P.M.

Mr. Chairman: Before adjourning the House, I have an announcement to make. The list of motions *re* modification of the Displaced Persons Compensation and Rehabilitation Rules, 1955, which have now been indicated by Members to be moved, subject to their being otherwise admissible, will be circulated to Members tonight.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 13th September, 1955.